

TITLE 2

ADMINISTRATION AND PERSONNEL

CHAPTER 2.04

CITY COUNCIL

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2.04.010 Meetings Declared Open and Public

All meetings of the Tukwila City Council and its committees shall be open and public, and all persons shall be permitted to attend any meeting of these bodies, except as otherwise provided in TMC 2.04.140.

(Ord. 2024 §1 (part), 2003)

2.04.020 Regular Meetings

The City Council shall meet regularly on the first and third Mondays of each month at 7:00PM, unless an alternative starting time is set and notice is provided to the public pursuant to TMC 2.04.040. If at any time any Regular Meeting falls on a holiday, the Council shall meet on the next business day at the same hour. The City Council shall meet at Tukwila City Hall, unless otherwise publicly announced.

(Ord. 2024 §1 (part), 2003)

2.04.030 Committee of the Whole Meetings

A. The Council shall sit as a Committee of the Whole on the second and fourth Monday of each month at 7:00PM, unless an alternate starting time is published; except, if at any time any committee meeting falls on a holiday, the Council shall meet on the next business day at the same hour. The City Council shall meet at Tukwila City Hall, unless otherwise publicly announced.

B. Meetings of the Committee of the Whole shall be held primarily for the purpose of considering current issues of the City, coordinating the work of the City Council, and discussing draft ordinances, resolutions and policy issues in detail. The Committee of the Whole will have no power to take final actions, including but not limited to adopting ordinances or passing motions or resolutions.

C. The Committee of the Whole may meet in a retreat setting to plan their work at the beginning of the year or at any time beneficial to in-depth deliberations by the Council. Results of the Committee of the Whole's retreats will be discussed with the Mayor and administration in order to establish and understand City goals. A report summarizing the proceedings will be made available following each retreat. No official action will be taken at a retreat.

(Ord. 2024 §1 (part), 2003)

2.04.040 Special Meetings

Special meetings may be called by the Mayor, or any three Councilmembers, by written notice delivered by City employee(s) to each member of the Council at least 24 hours before the time specified for the proposed meeting and with public notice made pursuant to RCW 42.30.080.

(Ord. 2024 §1 (part), 2003)

2.04.050 Quorum

At all meetings of the City Council, four members shall constitute a quorum for the transaction of business.

(Ord. 2024 §1 (part), 2003)

2.04.060 Seating

A. Members of the City Council will be seated at the Council table according to seniority of the Council, except that the Council President will be seated at the right of the Mayor.

B. Seniority shall be determined by the:

1. Greatest consecutive number of years served.
2. Greatest consecutive number of years plus months or years served prior to the current term(s).
3. Number of votes when elected.

(Ord. 2024 §1 (part), 2003)

2.04.070 Council President--Mayor Pro Tempore

A. At the first Regular Meeting in January of each year, members of the City Council shall elect from their number a Council President who shall hold office at the pleasure of the Council. The general policy of the City Council is to elect presidents in a rotating order, based upon seniority. If a vacancy occurs in the office of Council President, the City Council, at their next Regular Meeting, shall select a new Council President to serve the remainder of the year.

B. In the absence of the Mayor, the Council President shall become the Mayor Pro Tempore and perform the duties of the Mayor, except that the Council President shall not have the power to appoint or remove any officer or to veto any ordinance. If a vacancy occurs in the office of the Mayor, the City Council – at their next Regular Meeting – shall elect from their number a Mayor who shall serve until a Mayor is elected and certified at the next municipal election.

(Ord. 2209 §1, 2009; Ord. 2024 §1 (part), 2003)

2.04.080 Presiding Officer

A. All Regular and Special Meetings of the City Council shall be presided over by the Mayor or, in his/her absence, by the Mayor Pro Tempore. If neither the Mayor nor the Mayor Pro Tempore is present at a meeting, the presiding officer for that meeting shall be elected by a majority of the vote of those Councilmembers present, provided there is a quorum.

B. All Committee of the Whole meetings shall be presided over by the Council President. If the Council President is temporarily absent, the Council shall elect a Councilmember to serve in that capacity until the Council President returns.

C. The City Clerk or his/her designee will staff Regular and Special Council meetings and Committees of the Whole meetings. In the absence of the Clerk, Deputy Clerk or other qualified staff member appointed by the Clerk, the Mayor or Council may appoint a staff person to act in that capacity.

D. The appointment of a Councilmember as Mayor Pro Tempore shall not in any way abridge his/ her right to vote on matters coming before the Council at such meeting.

E. The presiding officer shall preserve strict order and decorum at all meetings of the Council. The presiding officer shall state all questions coming before the Council, provide opportunity for discussion on each item on the table, and announce the decision of the Council on all subjects. Procedural decisions made by the presiding officer may be overruled by a majority vote of the Council.

(Ord. 2024 §1 (part), 2003)

2.04.090 Agenda for Regular or Special Council Meetings

All items to be included on the agenda for Council consideration must be submitted to the City Clerk in full by 12:00PM noon on the Wednesday preceding each Council meeting. The City Clerk shall then prepare a proposed agenda, with attachments, according to the order of business. After the proposed agenda has been approved by the Council President or, in his/her absence, by his/her designated member of the City Council, the City Clerk shall prepare the final agenda, which shall be distributed to the Mayor, Councilmembers, City Attorney and Department Heads no later than Noon on the Friday preceding the Council Meeting. A copy of the agenda and subsequent documents shall be posted on the lobby bulletin board at City Hall. A copy of the Agenda face sheet will be posted on the City's website.

(Ord. 2024 §1 (part), 2003)

2.04.100 Agenda Format

The format of a Regular or Special City Council agenda shall be as follows:

1. Call to Order.
2. Pledge of Allegiance.
3. Roll Call.
4. Special Presentations on key agenda items.
5. Appointments and Proclamations of the Mayor.
6. Citizens' Comments. This is an opportunity for the audience to comment on items not listed on the agenda.
7. Consent Agenda:

a. Contains all consent agenda items approved by the Council President, from a Committee of the Whole, or forwarded by unanimous committee action, and routine items such as, but not limited to, approval of minutes and approval of vouchers. No ordinances, resolutions or bid awards, will be included on the consent agenda.

b. The following rules shall apply to the consent agenda:

(1) Any member of the City Council may, by request and without a Council vote, have any items removed from the consent agenda. That item will, by automatic procedure, be placed under New Business for further discussion.

(2) The remaining items shall be approved by motion.

8. Bid Awards. All competitive bid awards shall comply with RCW Title 39, and those that require Council approval shall include the contractor/vendor name, the project name, and the total dollar amount of the award. The award may or may not include Washington State Sales Tax.

9. Public Hearings:

a. For public hearings required by City, State or Federal law or as the Council may direct. Examples may include, but not be limited to:

- (1) LID
- (2) Zoning
- (3) Budget
- (4) Revenue sharing grants
- (5) Annexation
- (6) Moratoria
- (7) Quasi-judicial decisions

b. The following procedures shall apply to public hearings, except public hearings subject to TMC Chapters 18.104 through 18.116, which shall be subject to the procedures specified therein:

(1) The presiding officer may exercise a change in the procedures, but said decision may be overruled by a majority vote of the City Council.

(2) The proponent spokesman shall speak first and be allowed 15 minutes. The Council may ask questions.

(3) The opponent spokesman shall be allowed 15 minutes for presentation and the Council may ask questions.

(4) Each side shall then be allowed 5 minutes for rebuttal.

(5) After the proponents and opponents have used their speaking time, Council may ask further questions of the speakers, who may respond.

c. At public hearings and for issues where a public meeting is required or requested, and a general audience is in attendance to present arguments for or against a public issue:

(1) A signup sheet for speakers will be available, and all citizens considering speaking will be asked to write their name and address legibly. If they speak without signing up, they will be asked to sign in after speaking.

(2) A person may speak for five minutes. No one may speak for a second time until everyone wishing to speak has had an opportunity to speak.

(3) After the speaker has used the allotted time, Council may ask questions of the speaker and the speaker may respond, but may not engage in further debate.

(4) Speakers should address their comments to the City Council and should not address other audience members. No disparaging remarks or remarks directed to opponents will be allowed.

(5) The hearing will then be closed to public participation by the presiding officer and open for Councilmember discussion.

10. Unfinished Business. This section of the agenda shall include items of a general nature, including resolutions and ordinances previously discussed at a Council meeting. The following procedures shall apply during this section of the agenda:

a. The item will be put on the table by motion.

b. The committee chair, sponsor or a designated spokesman of each item may give a presentation.

c. If a resolution or ordinance, the City Attorney or City Administrator may read the item by title only or, if requested by any Councilmember, the document may be read in its entirety. A motion by Council shall rule.

d. The Council may then question the sponsor or designated spokesman of the presented item.

e. When discussions conclude, the Council, by motion, will act upon the resolution, ordinance or other item.

11. New Business. This section of the agenda shall include all items of a general nature -- including resolutions and ordinances previously discussed at a Committee Meeting and put forward to the Regular Meeting -- and items that have been removed from the consent agenda. The procedures that apply during this section shall be the same as those under Unfinished Business.

12. Reports. Reports on special interest items from the Mayor, City Council, staff, City Attorney, and intergovernmental representatives.

13. Miscellaneous.

14. Executive Session.

15. Adjournment.

(Ord. 2024 §1 (part), 2003)

2.04.110 Miscellaneous Agenda Procedures

A. The City Council desires to provide adequate time for administration and staff analysis, fact finding and presentation.

1. Items to come before the City Council should first be placed on the agenda of the appropriate committee for discussion before they are placed on the agenda of a Regular Council Meeting.

2. All items that are not routine in nature and presented shall include a completed Council Agenda Synopsis (CAS), a staff report, and Committee Minutes. The City Clerk or a designated person shall be responsible for attaching a CAS number, keeping the original CAS, and maintaining an index for future reference.

B. The agenda and provision for the Committee of the Whole shall be citizen comments, committee reports, discussion of items referred from committees, items referred by three Councilmembers, and items set by the Council President. The agenda and any attachments will be approved by the Council President or his/her designee, and shall be prepared by the City Clerk for distribution to the Council by 12:00PM noon on Friday.

C. Items may be placed directly on the agenda of a Regular Meeting when the items are approved by the Council President, and:

1. The items are routine in nature, such as approval of vouchers, proclamations, acknowledgement or receipt of petitions or documents, or discussion of claims for damages.

2. An emergency condition exists that represents a personnel hazard, impending deadline, or risk of immediate financial loss. In such instances, the CAS summary or staff memo should clearly define why the special procedure is necessary.

3. In the event the sponsor of any items to come before the City Council feels it both appropriate and beneficial to the City, that sponsor may bring such items directly to the Regular Meeting with the concurrence of three Councilmembers.

D. The Council President may affix an approximate time limit for each agenda item at the time of approval of the agenda.

E. All proposed ordinances and resolutions shall be reviewed by the City Attorney and bear the Attorney's certification that they are in correct form before final passage. All accompanying documents shall be available before ordinances and resolutions can be passed.

F. Resolutions of the City Council shall be signed by the Council President.

G. A joint resolution of the City Council and the Mayor may be proposed when:

1. The subject of the resolution is of broad City concern, and the subject contains Council policy and administrative procedure; or

2. The subject of the resolution is of a ceremonial or honorary nature.

H. Joint resolutions will be subject to the voting rules in TMC 2.04.130 and will be signed by the Mayor and Council President. The Council may provide for all Councilmembers to sign the joint resolution enacted under TMC 2.04.110 G.

(Ord. 2024 §1 (part), 2003)

2.04.120 Speaking Procedures

A. Speaking procedure for agenda items under consideration is as follows:

1. A Councilmember desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine him/herself to the question under debate. Recognition of Councilmembers shall be by seniority.

2. Any member, while speaking, shall not be interrupted unless it is to call him or her to order.

3. No Councilmember shall speak a second time on the same motion before an opportunity has been given each Councilmember to speak on that motion.

B. Addressing the Council for items under Council discussion shall proceed as follows:

1. Any person, with the permission of the presiding officer, may address the Council, but the presiding officer shall be required to recognize speakers in the following order:

a. A person designated by the presiding officer to introduce the subject under discussion.

b. Those whose request to be heard is contained in the written agenda.

c. Those who have submitted their request to be heard in writing or to the City Clerk before the meeting.

d. Those who ask recognition from the floor.

2. In addressing the Council, each person shall advance to the podium and, after recognition, give name and address, and -- unless further time is given by the presiding officer -- shall limit his/her address to five minutes. All remarks shall be made to the Council as a body and not to any individual member or to the audience.

3. No person shall be permitted to enter into any discussion from the floor without first being recognized by the presiding officer.

4. Any person making personal, impertinent or slanderous remarks while addressing the Council shall be barred from further audience participation by the presiding officer unless permission to continue is granted by a majority vote of the Council.

(Ord. 2024 §1 (part), 2003)

2.04.130 Voting

A. Silence of a Councilmember during a voice vote shall be recorded as an affirmative vote except where such a Councilmember abstains because of a stated conflict of interest. Each member present must vote on all questions before the Council and may abstain only by reason of conflict of interest.

B. A roll-call vote may be requested by the presiding officer or any member of the Council. Voting normally shall be by seniority; however, this procedure may be changed by the presiding officer.

C. Confirmations of appointments by the Mayor, budget transfers, personnel levels, and formal motions, resolutions, ordinances and amendments thereto shall require the affirmative votes of four Councilmembers.

(Ord. 2024 §1 (part), 2003)

2.04.140 Executive Sessions

The City Council may hold an Executive Session during a Regular Meeting, Special Meeting or Committee of the Whole meeting to consider certain matters as set forth in RCW 42.30.110.

(Ord. 2024 §1 (part), 2003)

2.04.150 Continuances

Any hearing being held or ordered to be held by the City Council may be continued in the manner as set forth by RCW 42.30.100.

(Ord. 2024 §1 (part), 2003)

2.04.160 Adjournment

A. Any Committee of the Whole, Regular, adjourned Regular, Special or adjourned Special Meeting may be adjourned in the manner as set forth in RCW 42.30.090.

B. All meetings of the Council shall adjourn no later than 11:00PM. If the Council desires to extend the meeting, a motion shall be required of a majority plus one vote of Councilmembers present. Items not acted on by the 11:00PM deadline shall be deferred to the next respective Council meeting as unfinished business, unless Council, by a majority vote of members present, determines otherwise.

(Ord. 2024 §1 (part), 2003)

2.04.170 Questions of Parliamentary Procedure

Questions of parliamentary procedure not covered by TMC Chapter 2.04 shall be governed by Robert's Rules of Order, Newly Revised (latest edition).

(Ord. 2024 §1 (part), 2003)

2.04.180 Council Committees and Representatives

A. There are four standing committees of the Council consisting of three members each. The Council President shall appoint the membership of each committee and the committee chair by the second Regular Meeting of each year. The chair for each committee shall set the schedule of meetings and cause them to be published. In the event a committee member is unable to attend a meeting, that member may ask another Councilmember to attend in his/her place.

B. The standing committees shall consider and may make policy and legislative recommendations to the City Council on items referred to the committee by the Council President, the Council, administrative departments, boards or commissions. If budgeted in an amount less than or equal to \$25,000, a committee can approve a bid or negotiation award by an affirmative vote of three committee members. If a unanimous committee vote is not obtained, the award will be referred to the City Council for action. The standing committees, their scopes of authority, and the supporting City departments are as follow:

1. Transportation Committee, which shall consider matters related to transportation, transportation plans, traffic, transit, streets, street lighting, signals, street LIDs, and rights-of-way in coordination with the Public Works Department and Department of Community Development.

2. Utilities Committee, which shall consider matters related to water; sewer; electric power; natural gas; telephone; cable television; telecommunications; solid waste reduction, reuse and recycling; river basins; and levies, in coordination with the Public Works Department.

3. Finance and Safety Committee, which shall consider matters related to the general fiscal and financial operations of the City; budget and financial reports; and policy matters related to personnel including, but not limited to, the salary grade schedule, position classifications and salary changes in coordination with the Finance Department, Administrative Services Department, and City Administrator. They will consider library issues, tourism, administrative matters, and information technology issues in conjunction with the City Clerk, Library Advisory Board, Lodging Tax Advisory Board, Chamber of Commerce, and Information Services. They shall consider matters related to police and fire protection; the municipal court; emergency services; and animal control in coordination with the Police Department, Fire Department, Civil Service Commission, Public Works Department, and Community-Oriented Policing Board.

4. Community Affairs and Parks Committee, which shall consider matters related to the planning of the physical, economic, aesthetic, cultural and social development of the City; and Comprehensive Plan, Zoning Code, Building Code, code enforcement, Sign Code and annexation policies, in coordination with the Department of Community Development, Human Services, Planning Commission, Hearing Examiner, Sister Cities Committee, Human Services Advisory Board, and the Equity and Diversity Commission. They shall consider matters relating to parks and park plans, recreation facilities and community activities, in coordination with the Parks and Recreation Department, the Arts Commission, and Park Commission.

B. The Council President may establish such ad hoc committees as may be appropriate to consider special matters that do not readily fit the standing committee structure or that require special approach or emphasis. The Council President shall appoint Council representatives to intergovernmental councils, boards and committees as needed.

C. Council committees shall consider all matters referred. Each committee chair shall report to the Council the findings of the committee. Committees may refer items to the Council with no committee recommendation.

D. Each committee chair may review and approve his/her committee agenda and will approve committee minutes before distribution. The committee chair can authorize the cancellation of a committee meeting. An affirmative vote of three members of Finance and Safety Committee is required when the committee approves unbudgeted items.

(Ord. 2024 §1 (part), 2003)

2.04.190 Filling Council Vacancies

If a vacancy occurs in the office of Councilmember, the Council will follow the procedures outlined in RCW 35A.12.050. In order to fill the vacancy with the most qualified person available until an election is held, the Council will widely distribute and publish a notice of the vacancy, the procedure and any application form for applying. The Council will draw up an application form, which contains relevant information to answer set questions posed by the Council. The application forms will be used in conjunction with an interview of each candidate to aid the Council selection of the new Councilmember.

(Ord. 2024 §1 (part), 2003)

CHAPTER 2.05 COUNCIL COMPENSATION

Sections:

2.05.010 Council Compensation

2.05.010 Council Compensation

A. **Monthly compensation levels.** Pursuant to the provisions of RCW 35A.12.070, members of the Tukwila City Council shall receive the following monthly compensation during the years listed here according to their position and the date their term of office commences:

	POSITIONS 1, 3, 5, 7	POSITIONS 2, 4, 6
YEAR	1/1/10 – 12/31/13 <i>(current term of office)</i> and 1/1/14 – 12/31/17	1/1/12 – 12/31/15 <i>(current term of office)</i> and 1/1/16 – 12/31/19
2014	\$1,250/month	\$1,050/month
2015	\$1,250/month	\$1,050/month
2016	\$1,250/month	\$1,250/month
2017	\$1,250/month	\$1,250/month

B. **Compensation review.** At any time the Tukwila City Council compensation rate of increase falls significantly below the cost of living increase as measured by the Seattle-Tacoma-Bremerton Consumer Price Index (CPI-U), Tukwila will review the stipends and may increase the City Council stipend accordingly.

(Ord. 2416 §1, 2013)

CHAPTER 2.08**MAYOR****Sections:**

- 2.08.010 Compensation
 - 2.08.020 Salary
 - 2.08.030 Benefits
-

2.08.010 Compensation

Pursuant to the provisions of RCW 35A.12.070, the person holding the position of Mayor shall be compensated at a yearly rate set forth by ordinance, payable in equal monthly installments.

(Ord. 2016 §1, 2003)

2.08.020 Salary

Beginning January 1, 2003, the salary for the Tukwila Mayor shall be set at \$78,000 per year. Beginning January 1, 2004, that salary will be increased to \$80,000 per year. Beginning January 1, 2005, the salary will be adjusted annually at the same rate of inflation as determined by the current method prescribed for the non-represented employees.

(Ord. 2016 §2, 2003)

2.08.030 Benefits

Subject to any applicable restrictions, the Mayor shall be eligible to receive the same or an equivalent benefit package as is given to department heads in the City of Tukwila and established from time to time by resolution.

(Ord. 2016 §3, 2003)

CHAPTER 2.12**DIRECTOR OF PUBLIC WORKS****Sections:**

- 2.12.010 Office Created
 - 2.12.020 Duties
 - 2.12.030 Compensation
-

2.12.010 Office Created

There is created the office of Director of Public Works in and for the City, which office shall be filled by appointment of the Mayor subject to confirmation of the Council.

(Ord. 707 (part), 1972; Ord. 562 §1, 1969)

2.12.020 Duties

Subject to the direction of the Mayor, the Director of Public Works shall perform the following duties:

1. He shall have charge of construction, maintenance, repair and cleaning of the streets, sidewalks, gutters, sewers and drains, and such other related activities.

2. He shall exercise general supervision over the municipal water and sewer systems.

*(Ord. 1494 §1, 1988; Ord. 707 (part), 1972;
Ord. 562 §3, 1969)*

2.12.030 Compensation

The Director of Public Works shall receive such salary and in such amounts as the Council may, from time to time, establish by ordinance and as fixed by the City's annual budget.

(Ord. 707(part), 1972; Ord. 562 §3, 1969)

CHAPTER 2.16
CITY ATTORNEY

Sections:

- 2.16.010 Office Created
 - 2.16.020 Duties
 - 2.16.030 Compensation
-

2.16.010 Office Created

There is created the office of City Attorney in and for the City, pursuant to the laws of the State of Washington, which office shall be filled by appointment of the Mayor subject to confirmation by a majority vote of the entire City Council.

(Ord. 1320 §1, 1984)

2.16.020 Duties

The City Attorney, or a designated representative, shall advise the City authorities and officers in all legal matters pertaining to the business of the City, in all actions brought by or against the City or against City officials in their official capacity. He or she shall perform such other duties as the City Council by ordinance may direct. In addition to the duties prescribed by the laws of the State as hereinabove set forth, the City Attorney shall:

1. Attend all regular and special meetings of the Council, Committee of the Whole meetings, or be represented by an attorney of his or her designation, unless otherwise excused by the Council;
2. Prepare, draft or supervise the preparation of all ordinances, resolutions, leases, instruments or conveyances, contracts and agreements, and such other and similar instruments as may be required by the business of the City;
3. Advise the Council and its committees, boards, commissions, department heads and other City officials and officers, including the rendering of formal opinions when so requested, or when it appears to the Attorney advisable to do so;
4. Represent the City in traffic court actions and prosecute all violations of City ordinances;
5. Consult with and participate with other City officials or representatives of the City concerning settlement of claims against the City or its officials, officers and employees while acting in their official governmental capacities;
6. Attend official meetings of any board or commission in connection with the proposed drafting of any ordinances, resolutions or contracts.

(Ord. 1320 §2, 1984)

2.16.030 Compensation

The compensation of the City Attorney shall be governed by contractual agreement as entered into by the City and the City Attorney, and made with the consent of the majority of the City Council.

(Ord. 1320 §3, 1984)

CHAPTER 2.20
CITY CLERK

Sections:

- 2.20.010 Office created
 - 2.20.020 Duties
 - 2.20.025 Agent appointed--Claims for Damages
 - 2.20.030 Compensation
-

2.20.010 Office Created

There is created the office of City Clerk in and for the City, pursuant to the laws of the State. This office shall be filled by appointment by the Mayor subject to confirmation by the Council as provided in RCW 35.24.020 and RCW 35.24.050. The Deputy City Clerk, if any, shall be appointed by the Clerk subject to the approval of the Mayor.

(Ord. 558 §1, 1969)

2.20.020 Duties

A. The City Clerk shall keep a full and true record of every proceeding of the City Council and keep such books, accounts and make such reports as may be required by the Division of Municipal Corporations in the office of the State Auditor. The City Clerk shall record all ordinances, annexing thereto his certificate, giving the number and title of the ordinance, stating that the ordinance was published and posted according to law and that the record is a true and correct copy thereof. The record copy with the Clerk's certificate shall be prima facie evidence of the contents of the ordinance and of its passage and publication, and shall be admissible as such evidence in any court or proceeding.

B. The City Clerk shall be custodian of the seal of the City, and have authority to acknowledge the execution of all instruments by the City which require acknowledgment.

C. The City Clerk may appoint a Deputy for whose acts he and his bondsmen shall be responsible, and he and his Deputy shall have authority to take all necessary affidavits to claims against the City and certify them without charge.

D. The City Clerk shall perform such other duties as may be now or hereinafter required by statute or ordinance.

(Ord. 558 §2, 1969)

2.20.025 Agent Appointed--Claims for Damages

The City Clerk, and in the absence of the City Clerk the Deputy City Clerk, is hereby appointed to be the City agent responsible to receive claims for damages made under RCW Chapter 4.96. The City Clerk (or Deputy City Clerk) shall be available to receive claims for damages during normal City Hall business hours at Tukwila City Hall, 6200 Southcenter Blvd., Tukwila, Washington 98188.

(Ord. 1972 §1, 2001)

2.20.030 Compensation

The City Clerk and the Deputy clerk, if any, shall receive such salary and in such amounts as the Council may, from time to time, establish by ordinance and as fixed by the City's annual budget.

(Ord. 558 §3, 1969)

CHAPTER 2.21

**PUBLIC RECORDS INDEXES
AND RECORDS REQUESTS UNDER
THE PUBLIC DISCLOSURE ACT**

Sections:

- 2.21.010 Findings
 - 2.21.020 Order Regarding Public Records Index
-

2.21.010 Findings

A. The Revised Code of Washington (RCW) requires all cities and public agencies to maintain and make available a current index of all public records.

B. The RCW also states that if maintaining such an index would be unduly burdensome, or interfere with agency operation, a city must issue and publish a formal order specifying the reasons why and the extent to which compliance would be unduly burdensome.

C. When such an order is made, all indexes maintained by that city must be made available to provide identifying information on those records which are available for inspection and/or copying.

D. The City of Tukwila is comprised of eight departments, their divisions and subdivisions, which maintain separate databases and/or record-keeping systems for the indexing of records and information.

E. Because the City has records which are diverse, complex and stored in multiple locations and in multiple computer systems and databases, it is unduly burdensome, if not physically impossible, to maintain a central index of records.

F. The City will fully comply with the provisions of the RCW as they relate to the Public Disclosure Act, under RCW Chapter 42.17.

(Ord. 1923 §1 (part), 2000)

2.21.020 Order Regarding Public Records Index

Based upon the findings set forth in TMC 2.21.010, and pursuant to RCW 42.17.260(4)(a), the City Council orders the following:

1. The City of Tukwila is not required to maintain an all-inclusive index of public records, due to findings of the City Council that the requirement is unduly burdensome and such a list is nearly impossible to create and/or maintain.

2. The City of Tukwila shall make available all public records and any indexes created for internal use upon request by any citizen. Said indexes shall be maintained and released in order to obtain those records which are public and not protected by the exemption portion of the statute, namely RCW 42.17.310.

(Ord. 1923 §1 (part), 2000)

CHAPTER 2.22

ACCOUNT CLERK

Sections:

- 2.22.010 Position created
 - 2.22.020 Effective date of position
-

2.22.010 Position Created

There is created the position of Account Clerk within the office of the City Treasurer, the duties of which position shall include the preparation and maintenance of accounting records as more specifically detailed in the job description on file with the City Clerk.

(Ord. 877 §1, 1974)

2.22.020 Effective Date Of Position

The position of Account Clerk shall be effective as of August 1, 1974.

(Ord. 877 §2, 1974)

CHAPTER 2.24
FIRE CHIEF**Sections:**

- 2.24.010 Office Created
 - 2.24.020 Duties
 - 2.24.030 Appointment - Removal
 - 2.24.040 Non Civil Service Position - Exception
 - 2.24.050 Salary
 - 2.24.060 Compliance with Applicable Laws
-

2.24.010 Office Created

There is created in the City the office of Fire Chief.
(Ord. 1317 §1, 1984)

2.24.020 Duties

The duties of the office of Fire Chief are as set forth in this chapter. The Fire Chief, under the direction of the Mayor and/or City Administrator, is head of the municipal Fire Department, and is responsible for planning, organizing and directing an emergency organization specifically concerned with minimizing the loss of life and property caused by fire. This includes the planning, direction and coordination of personnel engaged in fire fighting, fire inspections, training, maintenance and repair of fire equipment, alarm systems, and station upkeep. He/she is also required by statute to report all fires of criminal, suspected criminal, or undetermined origin to the State Fire Marshal.

(Ord. 1317 §2, 1984)

2.24.030 Appointment - Removal

The Fire Chief shall be appointed by the Mayor, subject to confirmation by a majority vote of the City Council, and shall serve at the pleasure of the Mayor.

(Ord. 1317 §3, 1984)

2.24.040 Non Civil Service Position - Exception

The person holding the position of Fire Chief on the date of passage of Ordinance No. 1317 (4/16/84) shall continue to serve subject to, and with rights accorded by, the civil service ordinances of the City.

(Ord. 1317 §4, 1984)

2.24.050 Salary

The salary for the position of Fire Chief shall be set at the rate provided for in the annual budget adopted by the City Council.

(Ord. 1317 §5, 1984)

2.24.060 Compliance with Applicable Laws

The Fire Chief shall serve pursuant to the ordinances and regulations of the City and any applicable State and federal statutes.

(Ord. 1317 §6, 1984)

CHAPTER 2.26
CITY ADMINISTRATOR**Sections:**

- 2.26.010 Position Created
 - 2.26.020 Appointment - Removal
 - 2.26.030 Prerequisites to Employment
 - 2.26.040 Budget
-

2.26.010 Position Created

There is created the position of City Administrator. The City Administrator's duties shall include assisting the Mayor in all administrative affairs, including the supervision of department heads.

(Ord. 1295 §1, 1983)

2.26.020 Appointment - Removal

The Mayor shall appoint, with confirmation of the City Council, and the Mayor shall remove the City Administrator.

(Ord. 1295 §2, 1983)

2.26.030 Prerequisites to Employment

The City Administrator shall be required to sign a contract with the City, which covers detailed terms of employment including, as a prerequisite to employment by the City, to agree to reside in the City during his/her term as City Administrator. This residency requirement may be waived with the recommendation of the Mayor and majority vote of the Council.

(Ord. 2039 §1, 2004; Ord. 1295 §3, 1983)

2.26.040 Budget

The City Administrator shall receive such salary and in such amount as the Council may, from time to time, establish by resolution and as fixed by the City's annual budget.

(Ord. 2039 §2, 2004; Ord. 1295 §4, 1983)

CHAPTER 2.28
OFFICIAL BONDS

Sections:

2.28.010 Designated

2.28.010 Designated

Pursuant to RCW 35A.12.080, the following City officials are required to be bonded in the amount stated:

Finance Director	\$25,000
City Clerk.....	10,000
Chief of Police	10,000
Administrative Court Clerk.....	10,000
Evidence Technician	10,000
City Attorney.....	5,000
Municipal Court Judge and pro tem judges.....	5,000
Accounting Clerk II (treasury function)	10,000
<i>(Ord. 1187, 1980; Ord. 1179 §1, 1980)</i>	

CHAPTER 2.29

EQUITY AND DIVERSITY COMMISSION

Sections:

- 2.29.010 Function - Objective
 - 2.29.020 Composition of Commission
 - 2.29.030 Officers - Meeting Procedures - Quorum
-

2.29.010 Function - Objective

A. The Equity and Diversity Commission shall serve in an advisory capacity to the Mayor and Council for the City of Tukwila and the Tukwila School Board.

B. The objective of the Commission shall be:

1. To promote understanding that accepts, celebrates and appreciates cultural diversity within the community.
2. To serve as a resource for the community by providing information and educational forums that will facilitate a better understanding and acceptance of cultural differences.
3. To provide recommendations to the Mayor, City Council and School Board that would identify opportunities to address cultural diversity issues or promote cultural diversity programs.

(Ord. 2003 §1 (part), 2002)

2.29.020 Composition of Commission

A. *Number of members.* The Commission shall be comprised of nine members who shall be appointed by the Mayor and confirmed by the Council. To the extent possible, membership shall be representative of the diversity of the school district and city and should include:

1. Three members representing the City, one of who shall be a member of the Tukwila City Council (Positions 1, 4 and 7), provided that if the City is unable to fill one of its three positions, a community member may fill one City position.
2. Three members representing the School District or School Board (Positions 2, 5 and 8), providing that if the School District is unable to fill one of its three positions, a community member may fill one School District position.
3. Three community members, two of whom may be representatives of the business community (Positions 3, 6, and 9).

B. *Terms of Appointment.*

1. The terms of Commission Position Nos. 1, 2, 3, 7 and 8 shall expire on 7/31/2009.
2. The terms of Commission Position Nos. 4, 5, 6 and 9 shall expire on 7/31/2008.
3. Positions will be appointed for two-year terms thereafter.
4. Vacancies shall be filled for the remainder of the term of the member being replaced.

C. *Appointment to Commission.* Members will be recommended by the Mayor and confirmed by the City Council.

D. *Staffing.* Staffing shall be provided by cooperative agreement between the Tukwila School District and the City of Tukwila.

(Ord. 2178 §1, 2007; Ord. 2003 §1 (part), 2002)

2.29.030 Officers - Meeting Procedures - Quorum

A. Members of the Commission shall meet and organize by electing, from their membership, a chairperson and a vice-chair.

B. The chairperson shall preside at all meetings. In the absence of the chairperson, the vice-chair shall chair the meeting. If neither the chair nor the vice-chair is present, a member chosen by agreement of the attending members shall act as chairperson.

C. The Commission shall choose its own meeting dates and times, and shall adopt operating rules of procedure.

D. The Commission shall keep the City of Tukwila and the Tukwila School District apprised of its activities and recommendations through periodic reports.

E. A majority of the appointed members of the Commission shall constitute a quorum for the transaction of business.

(Ord. 2003 §2, 2002)

CHAPTER 2.30
TUKWILA ARTS COMMISSION

Sections:

- 2.30.010 Establishment of Commission - Number of Members
- 2.30.020 Membership
- 2.30.030 Officers of Commission - Meetings - Quorum
- 2.30.040 Function and Objectives
- 2.30.050 Creation of Municipal Arts Fund for Capital Arts Projects

2.30.010 Establishment of Commission - Number of Members

The Tukwila Arts Commission (the "Commission") is hereby established, which shall be composed of not less than five and not more than seven members who shall be appointed by the Mayor and confirmed by the City Council. At least three members of said Commission shall be involved in the instruction of or otherwise professionally engaged in the visual and/or performing arts whenever possible. Members must be residents of the City of Tukwila or own a business within the city limits of the City of Tukwila.

(Ord. 2428 §2, 2013)

2.30.020 Membership

A. Term of membership.

1. The term of membership for the members of the Tukwila Arts Commission shall be four years, provided however, that in order that the fewest terms expire in any one year all of the current terms of existing appointed members shall expire on December 31 of the year set forth below for each respective position number as follows:

- Position Number 1 shall expire December 31, 2014
- Position Number 2 shall expire December 31, 2014
- Position Number 3 shall expire December 31, 2016
- Position Number 4 shall expire December 31, 2016
- Position Number 5 shall expire December 31, 2016
- Position Number 6 shall expire December 31, 2017
- Position Number 7 shall expire December 31, 2017

2. After the expiration of the current term(s) for the existing Commission members (Positions 1 through 5), each term thereafter shall be for a period of four years.

B. Student representation. In addition to the appointed positions, the Commission will recruit one student representative to participate on the Commission. The student will be selected during their junior year and be expected to participate through their senior year. The student representative shall be a high school student who resides in the City of Tukwila.

C. Vacancies. Any appointment to a position vacated other than by the expiration of the term of the appointment shall be to fill only the unexpired portion of said term.

(Ord. 2428 §3, 2013)

2.30.030 Officers of Commission – Meetings - Quorum

Members of the Commission shall meet and organize by electing from the members of the Commission a Chair and a Vice-chair, and such other officers as may be determined by the Commission. It shall be the duty of the Chair to preside at all meetings. The Vice-chair shall perform this duty in the absence of the Chair. A majority of the Commission shall constitute a quorum for the transaction of business. The Commission shall set its own meeting dates and shall give notice of such meeting in compliance with the Open Public Meetings Act of the State of Washington, as it now exists and as it may be amended from time to time. In order to ensure that a proper record is kept, staff shall compose written minutes of all meetings of the Commission. All documents and items that go before the Commission shall be part of the legislative record.

(Ord. 2428 §4, 2013)

2.30.040 Function and Objectives

The Commission shall serve in an advisory capacity to the Mayor, City Council or other commission or board of the City on matters including, but not limited to, those set forth hereinafter. The activities of the Commission shall include the following:

1. To represent the City's interest in art matters, to be a spokes-group for art matters in the City, and to keep the Mayor and City Council informed on all such related matters.
2. To be a central body to whom art organizations, artists and anyone interested in cultural advancement of the community may come for information or assistance.
3. To encourage and aid programs for cultural enrichment of Tukwila citizens.
4. To coordinate and strengthen existing organizations in the field of art, and to develop cooperation with schools and regional and national art organizations.
5. To explore ways and methods of obtaining private, local, State, and federal funds to promote art projects within the community.
6. To review and make recommendations on all works of art acquired by the City, inclusive of all art incorporated into capital improvement projects.
7. To render any other advice and assistance in the field of art, aesthetics and beautification as requested.
8. To render any other assistance to the City in any other artistic activities as may be referred to by the City.

(Ord. 2428 §5, 2013)

2.30.050 Creation of Municipal Arts Fund for Capital Arts Projects

There is created a special fund entitled the Municipal Arts Fund into which 1% of all qualifying Capital Improvement Project funds, as calculated below, shall be transferred. These funds, together with such other funds that the City may from time to time transfer into said fund, shall be used to incorporate public art into qualifying Capital Improvement Projects, or for the purpose of acquisition of or otherwise providing for the advancement of public art within the City of Tukwila. Qualifying Capital Improvement Projects shall include Parks development projects and Public Works projects. 1% of qualifying Capital Improvement Projects shall be calculated based upon construction cost identified at the time the project is funded, and shall exclude any City funded amount for the acquisition of real property, demolition, or equipment. This shall be a fixed amount and shall not fluctuate with future project budget adjustments.

(Ord. 2428 §6, 2013)

CHAPTER 2.31

SISTER CITIES COMMITTEE

Sections:

2.31.010	Created
2.31.020	Purpose
2.31.030	Terms of Appointment - Staffing
2.31.040	Officers of Committee - Meetings - Quorum
2.31.050	Responsibilities
2.31.060	Subcommittees

2.31.010 Created

There is hereby created a Sister Cities Committee which shall consist of seven interested citizens and members of the business community. The at-large member does not require residency or business affiliation. The members of the Sister Cities Committee shall be appointed by the Mayor and confirmed by the City Council, and shall represent the cross-section of the community as shown:

GROUP	MEMBERS	POSITION(S)
City of Tukwila citizenry	4	1, 2, 3, 4
At large	1	5
School District	1	6
City of Tukwila Mayor's representative	1	7

(Ord. 1841 §1 (part), 1998)

2.31.020 Purpose

The purpose of the Sister Cities Committee shall be to advise the Mayor and City Council on how to best further understanding and goodwill between the Tukwila community and the citizens of foreign nations through people-to-people exchanges, communication and programs, and to act as a focal point between the City of Tukwila, the school district, and the community-at-large in the coordination of these programs. The Committee shall recommend to the Mayor programs and budget expenditures from the City's designated budget funds.

(Ord. 1841 §1 (part), 1998)

2.31.030 Terms of Appointment - Staffing

A. The terms of appointment for membership of the Committee shall be as follows:

YEAR	POSITIONS	APPOINTMENT TERMS
2007	1, 2, 3, 4	4 years
2007	5, 6, 7	2 years

B. Upon expiration of all position terms, Committee appointments shall be for four-year periods thereafter.

C. Staffing shall be provided by the Mayor's office.

(Ord. 2143 §1, 2006; Ord. 1841 §1 (part), 1998)

2.31.040 Officers of Committee - Meetings - Quorum

A. Members of the Committee shall meet and organize by electing from the members of the Committee a chairman and vice-chairman, and such other officers as may be determined by the chairman.

B. It shall be the duty of the chairman to preside at all meetings. The vice-chairman shall perform this duty in the absence of the chairman.

C. A majority of the Committee shall constitute a quorum for the transaction of business.

D. The Committee shall set its own meeting dates and shall give notice of such meeting in compliance with the Open Public Meetings Act of the State of Washington.

(Ord. 1841 §1 (part), 1998)

2.31.050 Responsibilities

The Committee shall be empowered to create and adopt bylaws for the purpose of conducting business. The committee shall be responsible for the planning, development and coordination of programs which enhance the goodwill and understanding between the citizens of the Tukwila community and citizens of other nations.

(Ord. 1841 §1(part), 1998)

2.31.060 Subcommittees

The Committee may organize into subcommittees in order to achieve the purpose of this chapter. The chairmen of these subcommittees shall be members of the Committee. Additional persons may be recruited to serve on the subcommittees.

(Ord. 1841 §1 (part), 1998)

CHAPTER 2.32

PARK COMMISSION

Sections:

- 2.32.010 Park Commission Created
- 2.32.020 Membership
- 2.32.030 Term of Office
- 2.32.040 Function and Objectives
- 2.32.050 Officers – Meetings - Quorum

2.32.010 Park Commission Created

There is created in and for the City a park board to be known as the “City of Tukwila Park Commission.”

(Ord. 2414 §2, 2013)

2.32.020 Membership

A. The Park Commission shall consist of five individuals, residents of the City, who shall be appointed by the Mayor with confirmation by the City Council. Of the five commissioners, one shall be a senior citizen.

B. **Student representation.** In addition to the appointed positions, the Commission will recruit student representation to participate on the Commission. A student will be selected during their junior year and be expected to participate through their graduation. A student representative shall be a high school student who resides in the City of Tukwila.

(Ord. 2414 §3, 2013)

2.32.030 Term of Office

A. Term of office.

1. The term of office for the members of the Tukwila Park Commission shall be three years, provided however, that in order that the fewest terms expire in any one year, all of the current terms of existing appointed members shall expire on March 31 of the year set forth below for each respective position number as follows:

Position Number 1 shall expire March 31, 2016

Position Number 2 shall expire March 31, 2015

Position Number 3 shall expire March 31, 2014

Position Number 4 shall expire March 31, 2015

Position Number 5 shall expire March 31, 2014

2. After the expiration of the current terms for the existing Commission members, each term thereafter shall be for a period of three years.

B. **Vacancies.** Any appointment to a position vacated other than by the expiration of the term of the appointment shall be to fill only the unexpired portion of said term.

(Ord. 2414 §4, 2013)

2.32.040 Function and Objectives

A. **Function.** The Park Commission shall serve in an advisory capacity to the Mayor and City Council for the City of Tukwila.

B. **Objectives:** The objectives of the Commission shall be:

1. To submit recommendations to the City Council on the acquisition, development, expansion and operation of parks and recreation facilities and programs in the City.

2. To advocate for healthy and active lifestyles and promote the quality of life that is provided through the programs and actions of the City's Parks and Recreation Department.

3. To recommend policy and standards for the construction, development, maintenance and operations of parks, playfields and recreation grounds belonging to or leased by the City. This includes community buildings as designated by the Tukwila City Council and improvements of such buildings.

4. To make recommendations on ornamentation of all parks and designated community buildings, and to control seasonal and other temporary decoration or ornamentation of street lights and standards.

5. To recommend to the City Council for adoption by ordinance rules and regulations for the use and management of any municipally-owned or controlled park or recreation facility. Publication of rules or changes in rules shall be in such manner as the City Council shall direct. Rules and regulations so adopted shall be enforced by the Police Department of the City.

6. To recommend names for parks in the City to the City Council for consideration, as per City of Tukwila resolution.

(Ord. 2414 §5, 2013)

2.32.050 Officers – Meetings - Quorum

A. Members of the Commission shall meet and organize by electing, from their membership, a chairperson and a vice-chairperson. The Parks and Recreation Director (or designee) shall act as the liaison to the Commission.

B. The chairperson shall preside at all meetings. In the absence of the chairperson, the vice-chairperson shall chair the meeting. If neither the chair nor the vice-chair is present, a member chosen by agreement of the attending members shall act as chairperson.

C. A majority of the members of the Commission shall constitute a quorum for the transaction of business.

D. The Commission shall set its own meeting dates and shall give notice of such meeting in compliance with the Open Public Meetings Act of the State of Washington, as it now exists and as it may be amended from time to time.

E. In order to ensure that a proper record is kept, staff shall compose written minutes of all meetings of the Commission. All documents and items that go before the Commission shall be part of the legislative record.

(Ord. 2414 §6, 2013)

CHAPTER 2.33
LIBRARY ADVISORY BOARD

Sections:

2.33.010	Established
2.33.020	Representative Membership
2.33.030	Terms of Appointment - Staffing
2.33.040	Duties
2.33.050	Recommendations - Reports
2.33.060	Powers - Officers - Meetings - Quorum

2.33.010 Established

The Library Advisory Board is created and established, which shall consist of five members who shall be appointed by the Mayor, subject to confirmation by a majority vote of the City Council. Appointments shall be made from individuals of fitness for the position and shall be selected without respect to political affiliations, race or sex. Members may be removed by the Mayor, subject to confirmation by a majority vote of the City Council, for any reason. Members shall not receive a salary or other compensation for services as a Board member, but necessary expenses of the Board actually incurred shall be paid from appropriate City funds.

(Ord. 1405 §1 (part), 1986)

2.33.020 Representative Membership

Board members shall be appointed from representatives of the City citizenry at-large, five members, positions one through five.

(Ord. 1520 §1, 1989; Ord. 1405 §1 (part), 1986)

2.33.030 Terms of Appointment - Staffing

All five positions of the Library Advisory Board will serve two-year terms of appointment. With any appointment to a position vacated, the expiration of the term of the appointment shall be to fill only the expired position of such term. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the Board are regularly chosen. Staffing shall be provided as directed by the Mayor and in cooperation with the library district personnel.

(Ord. 1765 §1, 1996; Ord. 1405 §1 (part), 1986)

2.33.040 Duties

The Library Advisory Board shall serve in an advisory capacity to the Mayor and City Council, and as such shall submit to the Mayor any recommendations regarding library services. More specifically, the duties of the Board shall be:

1. Conduct an annual review of the library agreement between the City and the King County Library District;
2. Recommend programs for library services to be incorporated into such agreement;

3. Develop recommended programs to promote library services for City citizens, and make the public aware of those facilities that are available for public use;

4. Assist in planning, scheduling and participating in special programs or projects, such as setting up displays, making posters, providing information to the media, etc.;

5. Meet with a variety of public groups to promote library services for City citizens, including the King County Library District and library staff;

6. Promote library gift giving, including setting standards for such gifts;

7. Report annually to the Mayor and City Council on the status of library services and needs in the City;

8. Render any other advice and assistance on library services.

(Ord. 1405 §1 (part), 1986)

2.33.050 Recommendations - Reports

The Mayor or City Council may refer to the Library Advisory Board, for its recommendation and report, any ordinance, resolution, agreement or other matter relating to library services, and the Board shall promptly report to the Mayor or City Council thereon, making recommendations and giving such advice as it may deem proper.

(Ord. 1405 §1 (part), 1986)

2.33.060 Powers - Officers - Meetings - Quorum

A. The Board shall be empowered to create and adopt such bylaws as are necessary for the conduct of business.

B. A majority of the Board shall constitute a quorum for the transaction of business.

C. Members of the Board shall meet and organize by electing, from the members of the Board, a chairperson and vice-chairperson and such other officers as may be determined by the chair.

D. It shall be the duty of the chairperson to preside at all meetings. The vice-chairperson shall perform this duty in the absence of the chairperson.

E. The Board may organize into subcommittees in order to achieve the purpose of this chapter. The chair of any subcommittee shall be a member of the Board. Additional persons who are not Board members may be recruited to serve on a subcommittee.

F. Board members shall meet at least quarterly.

G. The Board shall keep a record of their meetings.

(Ord. 1405 §1 (part), 1986)

CHAPTER 2.34**HUMAN SERVICES ADVISORY BOARD****Sections:**

- 2.34.010 Establishment of Human Services Advisory Board
 - 2.34.020 Representative Membership
 - 2.34.030 Terms of Appointment - Staffing
 - 2.34.040 Duties
 - 2.34.050 Recommendations - Reports
 - 2.34.060 Powers - Officers - Meetings - Quorum
 - 2.34.070 Conflicts of Interest
-

2.34.010 Establishment of Human Services Advisory Board

The Tukwila Human Services Advisory Board is hereby created and established, which shall consist of seven members who shall be appointed by the Mayor, subject to confirmation by a majority vote of the City Council. Appointments shall be made from individuals demonstrating fitness for the position and shall be selected without respect to political affiliation, race, creed or sex. Members may be removed by the Mayor, subject to confirmation by a majority vote of the City Council, for any reason. Members shall not receive a salary or other compensation for services as an advisory Board member, but necessary expenses of the Board actually incurred shall be paid from appropriate City funds.

(Ord. 1622 §1 (part), 1992)

2.34.020 Representative Membership

A. The Board shall be comprised of seven members. To the extent possible, membership shall include:

1. One representative from Tukwila's business community;
2. One representative from Tukwila's religious community;
3. Three at-large concerned resident citizens;
4. One representative from the local school districts;
5. One representative from Tukwila's medical health community.

B. The primary representative from City administration shall be the Human Services Coordinator who shall serve as an ad hoc and nonvoting member of the Board. The Mayor may assign other additional representatives as deemed necessary.

C. Members representing institutions shall represent the broadest possible constituency through a variety of activities, to include coordination with other similar organizations or counterparts.

D. In the event that the representative is no longer affiliated with their organization, the representative will be asked to vacate their position as soon as a successor can be appointed.

(Ord. 1622 §1 (part), 1992)

2.34.030 Terms of Appointment - Staffing

A. The initial terms of appointment for membership of the Board shall be as follows:

1. Positions 1, 2, and 4, three years (Position 1, Health community representative; Position 2, School District community representative; and Position 4, at-large citizen);
2. Positions 3 and 5, two years (Positions 3 and 5, at-large citizen);
3. Position 6 and 7, one year (Position 6, Business community representative; and Position 7, Religious community representative)

B. Upon expiration of the initial terms set forth above, each subsequent term shall be for a three-year period or until a successor is appointed and confirmed as set forth in TMC 2.34.010. With any appointment to a position vacated, the expiration of the term of the appointment shall be to fill only the expired position of said term. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the Board are regularly chosen. Staffing shall be provided by the Human Services Coordinator or as directed by the Mayor.

(Ord. 1622 §1 (part), 1992)

2.34.040 Duties

The Human Services Advisory Board shall serve in an advisory capacity to the Mayor and the City Council, and as such shall submit to the Mayor and City Council any recommendations regarding human services. Specifically, the Board should advise the Mayor and the City Council on the status of human services needs and programs in the City. The Board will:

1. Assist in monitoring and assessing the need for human services in Tukwila;
2. Provide recommendations for the prioritizing of human services needs within the City;
3. Recommend human services policies;
4. Recommend human services projects for City funding;
5. Receive and review proposals for human service programs;
6. Render other assistance or advice on the human services issue as needed.

(Ord. 1622 §1 (part), 1992)

2.34.050 Recommendations - Reports

The Mayor and City Council may refer to the Human Services Advisory Board, for its recommendation and report, any ordinance, resolution, agreement or other matter relating to human services, and the Board shall promptly report to the Mayor and City Council thereon, making recommendations and giving such advice as it may deem proper.

(Ord. 1622 §1 (part), 1992)

2.34.060 Powers - Officers - Meetings - Quorum

A. The Board shall have the power to create and adopt such bylaws as are necessary for the conduct of business.

B. A majority of the Board shall constitute a quorum for the transaction of business.

C. Members of the Board shall meet and organize by electing from the members of the Board, a chairperson or vice-chairperson and such other officers as may be determined by the chair.

D. The chair shall preside at all meetings. The vice-chairperson shall perform this duty in the absence of the chairperson.

E. The Board may organize into committees in order to achieve the purpose of this chapter. The chair of any subcommittee shall be a member of the Board. Additional persons who are not Board members may be recruited by the Board on an ad hoc basis, to serve on a committee and provide information or expertise.

F. The Board members shall meet at least quarterly.

G. The Board shall keep a record of their meetings.

(Ord. 1622 §1 (part), 1992)

2.34.070 Conflicts of Interest

If any member of the Human Services Advisory Board concludes that such member has a conflict of interest with respect to a matter pending before the Board, that member shall disqualify himself or herself from participating in the deliberations and decision-making process with respect to that matter.

(Ord. 1622 §1 (part), 1992)

CHAPTER 2.35
ECONOMIC DEVELOPMENT
ADVISORY BOARD

Sections:

2.35.010	Board Established
2.35.020	Composition Of Board
2.35.030	Terms Of Service
2.35.040	Purpose
2.35.050	Meetings
2.35.060	Organization
2.35.070	Minutes

2.35.010 Board Established

The Economic Development Advisory Board of the City of Tukwila is hereby established.

(Ord. 1690 §1, 1994)

2.35.020 Composition of Board

The Mayor shall appoint and the Council shall confirm 13 Board members who shall be representative of the industrial, business and residential composition of the City. In addition, the Council shall appoint two members from its membership to serve an annual term on the Board. Incumbent Council representatives may be reappointed at the discretion of the City Council.

(Ord. 1690 §2, 1994)

2.35.030 Terms of Service

Board members other than Council representatives shall each serve for a term of two years and be eligible for reappointment thereafter; except that eight of the initial members shall serve terms of one year and be eligible for reappointment thereafter, to regular two-year terms.

(Ord. 1690 §3, 1994)

2.35.040 Purpose

The task of the Board shall be to provide advice and information to the Mayor, City Council and City staff to assist in the making of recommendations for plans, programs and economic development projects consistent with economic and community goals. In addition, the Board shall coordinate its efforts with those of the Seattle/King County Economic Development Commission and other regional business and economic development-oriented bodies.

(Ord. 1690 §4, 1994)

2.35.050 Meetings

The Board's meetings shall be open and allow for public comment. The Board will decide on its operating rules of procedure.

(Ord. 1690 §5, 1994)

2.35.060 Filling of Vacancies

If the Board loses members during their term of appointment, the Mayor shall appoint, and the Council shall confirm, similar representative replacements.

(Ord. 1690 §6, 1994)

2.35.070 Staff Support and Funding

To assist the Board in its work, appropriate staff shall be available to the Board, whose responsibilities on behalf of the Board shall include:

1. Provide staff assistance to the Board, including research and analysis of information and issues, preparation of agendas, arranging for meetings, completion of minutes; and
2. Provide liaison to other local and regional entities concerned with economic development.

In addition, the City shall provide limited staff assistance and initial financing not to exceed \$15,000 for consultants for research and analysis. Provisions for additional funding shall require the review and approval of the City Council.

(Ord. 1690 §7, 1994)

CHAPTER 2.36
PLANNING COMMISSION

Sections:

2.36.010	Created
2.36.020	Membership
2.36.030	Powers - Duties
2.36.040	Terms of Office
2.36.050	Vacancies - Removal - Selection
2.36.060	Organization
2.36.070	Minutes

2.36.010 Created

Pursuant to the authority conferred by Chapter 35A.63 of Ch. 119, Laws of 1967, Ex. Sess., as amended by Ch. 81, Laws of 1969 Ex. Sess., there is created a City Planning Commission, consisting of seven members who shall be appointed by the Mayor and confirmed by the City Council.

(Ord. 1802 §1, 1997)

2.36.020 Membership

A minimum of six Planning Commission members shall reside within the corporate limits of the City of Tukwila on the day of that member's appointment to said position. Members shall be selected from a cross section of the community representing different trades, occupations, activities and geographical areas to provide a balanced community spirit. One member of the Planning Commission may be a business owner, operator or management level employee, or qualified representative, who is not a resident of the City. All members shall be of voting age and shall have lived or worked, if a non-resident member, in the City for at least one year.

(Ord. 1802 §2, 1997)

2.36.030 Powers - Duties

The Planning Commission shall advise the Mayor and Council on matters relating to land use, comprehensive planning and zoning. They shall have such other powers and duties as enumerated by ordinance and codified in the Tukwila Municipal Code.

(Ord. 1802 §3, 1997)

2.36.040 Terms of Office

The present appointed members of the Planning Commission shall remain in office for the balance of their current terms. Terms of office will be for a period of four years and shall expire at midnight on the date of the completion of the respective terms. When a vacancy occurs, appointment for that position shall be for four years, or the remainder of the unexpired terms, whichever is shorter. Any member may have their term of office extended for a period of time not to exceed six months to complete a special project, when such extension is nominated by the Mayor and approved by the City Council. Members who become non-residents during their term of office shall remain on the Commission no more than 90 days unless granted a special project extension by the Mayor and City Council. If the member who represents the business community is no longer employed within the City, or his or her business relocates out of the City, that member shall remain on the Commission no more than 90 days unless granted a special project extension by the Mayor and City Council.

(Ord. 1802 §5, 1997)

2.36.050 Vacancies - Removal - Selection

Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired terms. Members may be removed, after public hearing, by the Mayor, with the approval of the City Council, for inefficiency, neglect of duty or malfeasance in office. Notice of the charge and pendency of the hearing with respect to the removal of a member of the Planning Commission shall be given by mail addressed to the residence of the accused member at least five days before the date of such hearing. The members shall be selected without respect to political affiliations and they shall serve without compensation; provided, however, they may be reimbursed for expenses necessarily incurred in performing their official duties.

(Ord. 1802 §5, 1997)

2.36.060 Organization

The Planning Commission shall adopt rules of procedure that are consistent with state laws.

(Ord. 1802 §6, 1997)

2.36.070 Minutes

Minutes of Planning Commission meetings shall be distributed to the City Council not more than ten days after formal approval of such minutes by the Commission. Further, when items are to be discussed by the Council and the Commission minutes are pertinent, those minutes should be supplied to the Council in time to be read before Council consideration.

(Ord. 1802 §7, 1997)

CHAPTER 2.37
TRANSIT ADVISORY COMMISSION

Sections:

- 2.37.010 Commission Established
 - 2.37.020 Membership
 - 2.37.030 Duration
 - 2.37.040 Duties
 - 2.37.050 Meetings
-

2.37.010 Commission Established

The Tukwila Transit Advisory Commission (herein "Commission") is hereby established.

(Ord. 1797 §1, 1997)

2.37.020 Membership

The Mayor shall appoint seven members to the commission, subject to confirmation by a majority of the Council. Commission members shall be representative of the residential and business composition of the City.

(Ord. 1797 §2, 1997)

2.37.030 Duration

The Commission shall function from date of appointment until December 31, 1999, or until completion of its designated responsibilities, whichever is first, whereupon it shall expire and the functions of the Commission shall cease.

(Ord. 1797 §3, 1997)

2.37.040 Duties

The Commission shall be tasked with the responsibility of providing review and recommendations to the Mayor and City Council regarding the development of a master transit service plan for the City of Tukwila. Areas of focus shall include: the alignment of rail services within the City; the type and placement of ancillary facilities such as park-and-ride lots and stations; the creation of transit hubs; and other associated activities and facilities related to the development and implementation of the RTA construction and service delivery plan.

(Ord. 1797 §4, 1997)

2.37.050 Meetings

The Commission shall meet at least monthly, at a time and place deemed to be convenient to a majority of the membership. To assist the Commission, appropriate staff support shall be made available for the conduct of research and analysis, preparation of reports, and coordination of meetings and agendas.

(Ord. 1797 §5, 1997)

CHAPTER 2.38
POLICE DEPARTMENT

Sections:

- 2.38.010 Department Acknowledged and Ratified
 - 2.38.020 Law Enforcement Officer and City Police Officer - Defined - Positions Created
 - 2.38.030 Ordinance Copy Mailed to State Employees' Retirement System Director
-

2.38.010 Department Acknowledged and Ratified

The past, present and future existence of the City Police Department is acknowledged and ratified.

(Ord. 639 §1, 1970)

2.38.020 Law Enforcement Officer and City Police Officer - Defined - Positions Created

The terms "law enforcement officer" and "City police officer" shall cover all such regular, full-time personnel of the City Police Department who have been appointed to offices, positions or ranks of the City Police Department, which are herewith expressly created as follows: Chief of Police, Assistant Chief(s), Commander(s), Sergeant(s), Officers, and full or part-time, limited-commission Transport Services Officers.

(Ord. 2325 §1, 2011)

2.38.030 Ordinance Copy Mailed to State Employees' Retirement System Director

Upon the passage, approval and publication of Ordinance No. 639, the City Clerk shall cause a certified copy thereof to be mailed to the Director, State of Washington Public Employees' Retirement System, along with a correct list of the names of each City police officer filling one of the City law enforcement positions as created in TMC 2.38.020, to comply with the provisions of RCW 41.26.

(Ord. 639 §3, 1970)

CHAPTER 2.39
COMMUNITY POLICING
ADVISORY BOARD

Sections:

2.39.010	Board Established
2.39.020	Composition of Board
2.39.030	Appointment Terms
2.39.040	Compensation
2.39.050	Duties of the Board
2.39.060	Meetings and Procedure

2.39.010 Board Established

There is hereby established for the City of Tukwila a citizens advisory board to be known as the "Community-Oriented Policing Citizens Advisory Board."

(Ord. 2082 §1 (part), 2005)

2.39.020 Composition of Board

The Board shall consist of nine members who shall meet the following qualifications:

1. Not less than five of the members shall be City residents, representing residential property owners and renters;

2. At least two members shall be owners or managers of businesses located within the City, providing that, if the business community is unable to fill one of its two positions, a resident may fill one of the business Board member positions.

3. One member shall represent the school district(s) within the City; and

4. One position shall be a Tukwila School District student who is currently attending high school within the City.

(Ord. 2229 §1, 2009; Ord. 2082 §1 (part), 2005)

2.39.030 Appointment Terms

A. All Board members shall be appointed by the Mayor, and shall be subject to confirmation by the City Council.

B. Initial appointments to the Board shall be made for the following terms:

1. One member of the Board shall be appointed to a one-year term;

2. Two members of the Board shall be appointed to two-year terms;

3. Two members of the Board shall be appointed to three-year terms;

4. Four members of the Board shall be appointed to four-year terms.

C. All subsequent appointments, except for vacancies shall be four-year terms, provided that members shall remain in office until their successors are appointed and confirmed.

D. Vacancies occurring other than through the expiration of terms shall be filled for the remainder of the term of the member being replaced. Vacancies shall be filled in the same manner as initial appointments are filled.

E. Members may be removed at will, at any time prior to the end of their term, by the Mayor. In addition, members who fail to attend three consecutive meetings, regular or special, may be considered to have vacated their positions and may be replaced, as provided for herein. Any member who ceases to have the qualifications provided in TMC 2.39.020, Composition of Board, shall be deemed to have forfeited his or her office.

(Ord. 2229 §2, 2009; Ord. 2082 §1 (part), 2005)

2.39.040 Compensation

No member of the Board shall receive compensation for services performed.

(Ord. 2082 §1 (part), 2005)

2.39.050 Duties of the Board

A. The duties of the Board shall include, but not be limited to, advising and making recommendations via the Chief of Police on issues concerning public safety and police services within the City, such as:

1. To enhance police-community relations;

2. To review and provide a community perspective and recommendations concerning procedures, programs, and the effectiveness of the police service;

3. To promote public awareness of the City's police services and programs including, but not limited to, business and residential crime prevention programs, safety training, domestic violence intervention, and D.A.R.E.;

4. To hold public meetings from time to time to solicit public input regarding police services and programs;

5. To serve as a liaison between the Police Department and the community;

6. To encourage individuals and community groups to assist the Police Department in the implementation of police programs and services; and

7. To review and make recommendations concerning such other and further matters as may be referred to the Board, from time to time, by the Mayor, the City Council, or the Chief of Police.

B. The Board shall make an annual report to the Mayor and City Council regarding its activities.

C. Notwithstanding the duties of the Board as described within TMC 2.39.050A, the Board shall have no power or authority to investigate, review, or otherwise participate in matters involving specific police personnel or specific police-related incidents. The Board in no way shall receive or stand in review of complaints initiated against personnel of the Police Department, nor play any role in civil or criminal litigation.

(Ord. 2082 §1 (part), 2005)

2.39.060 Meetings and Procedure

A. The Board shall have at least one regular meeting per quarter on such day of the month and at such time as may be determined by the Board. Special meetings may be held as often as the Board deems necessary. All meetings of the Board shall be open to the public, except as otherwise provided in the State Open Public Meetings Act. All requirements of the Open Public Meetings Act shall be followed by the Board.

B. For purposes of conducting the Board's business, exercising its powers and for all other purposes, a quorum of the Board shall consist of five or more members. Any action taken by a majority of those present, when those present constitute a quorum at any regular or special meeting of the Board, shall be deemed and taken as the action and decision of the Board.

C. The Board shall elect such officers as it deems necessary in order to conduct its business. The Board shall adopt such rules of procedure as it deems necessary.

D. The Board shall tape record or keep minutes of all meetings held and all business transacted. All records of the Board shall be open for public inspection, except those that may be exempt from public disclosure under State law. Minutes shall be distributed, at a minimum, to the Office of the Mayor and the Chief of Police.

(Ord. 2082 §1 (part), 2005)

CHAPTER 2.40
POLICE CHIEF

Sections:

- 2.40.010 Office Created
 - 2.40.020 Duties
 - 2.40.030 Appointment - Removal
 - 2.40.040 Non Civil Service Position - Exception
 - 2.40.050 Salary
 - 2.40.060 Compliance with Applicable Laws
-

2.40.010 Office Created

There is created in the City the office of Police Chief.

(Ord. 1318 §1, 1984)

2.40.020 Duties

The duties of the office of Police Chief are as set forth in this chapter. The Police Chief, under the direction of the Mayor and/or City Administrator, is head of the municipal Police Department, and is responsible for planning, organizing and directing the Police Department. This includes the planning, coordinating and supervision of patrol, investigation, crime prevention, training and all other programs and services of the Department.

(Ord. 1318 §2, 1984)

2.40.030 Appointment - Removal

The Police Chief shall be appointed by the Mayor, subject to confirmation by a majority vote of the City Council, and shall serve at the pleasure of the Mayor.

(Ord. 1318 §3, 1984)

2.40.040 Non Civil Service Position - Exception

The person holding the position of Police Chief on the date of passage of Ordinance No. 1318 (4/16/84) shall continue to serve subject to, and with rights accorded by, the civil service ordinances of the City.

(Ord. 1318 §4, 1984)

2.40.050 Salary

The salary for the position of Police Chief shall be set at the rate provided for in the annual budget adopted by the City Council.

(Ord. 1318 §5, 1984)

2.40.060 Compliance with Applicable Laws

The Police Chief shall serve pursuant to the ordinances and regulations of the City and any applicable State and federal statutes.

(Ord. 1318 §6, 1984)

CHAPTER 2.42
CIVIL SERVICE COMMISSION

Sections:

2.42.010	Definitions
2.42.020	Civil Service Commission Created, Appointment, Terms, Removal and Quorum
2.42.030	Organization of Commission – Powers and Duties – Secretary
2.42.040	Persons Included – Competitive Examinations – Transfers, Discharges and Reinstatements
2.42.050	Existing Personnel Continued Under Civil Service
2.42.060	Qualifications of Applicants
2.42.070	Tenure of Employment – Grounds for Discharge, Reduction or Deprivation of Privileges
2.42.080	Procedure for Removal, Suspension, Demotion or Discharge – Investigation – Hearing – Appeal
2.42.090	Filling of Vacancies – Probationary Period
2.42.100	Power to Create Offices, Make Appointments and Fix Salaries Not Infringed
2.42.110	Enforcement by Civil Action – Legal Counsel
2.42.120	Deceptive Practices, False Marks, Etc., Prohibited
2.42.130	Penalty – Jurisdiction
2.42.140	Applicability

2.42.010 Definitions

As used in this chapter, the words and terms set forth in TMC Chapter 2.42 shall be given the following definitions:

1. "Appointing authority or power" includes every person or group of persons who, acting singly or in conjunction, as a mayor, mayor's designee, council or otherwise, is or are invested with power and authority to select, appoint, or employ any person to hold any office, place, position or employment subject to civil service.
2. "Appointment" includes all means of selection, appointing or employing any person to hold any office, place, position or employment subject to civil service.
3. "Commission" means the civil service commission herein created, and "commissioner" means any one of the three commissioners appointed to that commission.

(Ord. 1877 §1 (part), 1999)

2.42.020 Civil Service Commission Created, Appointment, Terms, Removal and Quorum

A. There is created in the City a Civil Service Commission, which shall be composed of three persons.

B. The members of such Commission shall be appointed by the Mayor; provided, that the members of the Civil Service Commission constituted pursuant to the ordinances repealed by Ordinance No. 1877 shall be the initial commissioners of the newly created Civil Service Commission and shall continue

in office until the term of their current appointment expires. Confirmation of the appointment or appointments of commissioners by any legislative body shall be required.

C. The members of such Commission shall serve without compensation.

D. No person shall be appointed a member of such Commission who is not a citizen of the United States, a resident of Tukwila for at least three years immediately preceding such appointment, and an elector of the county wherein he resides.

E. Except for the initial commission, the term of office of such commissioners shall be six years.

F. Any member of such Commission may be removed from office for incompetence, incompatibility or dereliction of duty, or malfeasance in office, or other good cause; provided, however, that no member of the Commission shall be removed until charges have been preferred, in writing, due notice and a full hearing held.

G. The members of such Commission shall devote due time and attention to the performance of the duties hereinafter specified and imposed upon them by this chapter.

H. Two members of such Commission shall constitute a quorum and the votes of any two members of such Commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the Commission under or by virtue of the provisions of this chapter.

(Ord. 1877 §1 (part), 1999)

2.42.030 Organization of Commission – Powers and Duties – Secretary

A. Immediately after appointment, the Commission shall organize by electing one of its members chairperson and shall hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of its duties. It shall be the duty of the Civil Service Commission:

1. To make suitable rules and regulations to implement this chapter which are not inconsistent with the provisions thereof. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made. The rules and regulations shall also provide for the classification of all positions within the Police Department according to the duties, responsibilities and qualifications of each and shall further provide the manner in which such classification shall be accomplished. The rules and regulations and any amendments thereof shall be printed, mimeographed or multigraphed for free public distribution. Such rules and regulations may be changed from time to time.

2. All tests shall be practical and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or manual skill.

3. The rules and regulations adopted by the Commission shall provide for a credit in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the Armed Forces of the United States, have served in and been honorably discharged from the Armed Forces of the United States, including the Army, Navy and Marine Corps and the American Red Cross, in compliance with RCW 41.04.010.

4. The Commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed.

5. Such investigations may be made by the Commission or by any commissioner designated by the Commission for that purpose. Not only must these investigations be made by the Commission as aforesaid, but the Commission must make like investigation on petition of a citizen, duly verified stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation, the Commission or designated commissioner, or Chief Examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter and punishable as such.

6. All hearings and investigations before the Commission, or designated commissioner, or Chief Examiner, shall be governed by this chapter and by rules of practice and procedure to be adopted by the Commission, and in the conduct thereof neither the Commission, nor designated commissioner, shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the Commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the Commission; provided, however, that no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

7. To hear and determine appeals or complaints respecting the administrative work of the Human Resources Department related to the Commission's duties, the rejection of any examination and such other matters as may be referred to the Commission pursuant to the duties outlined in TMC Section 2.42.030.A.1.

8. Establish and maintain in card or other suitable form a roster of employees covered by civil service.

9. Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and, as a result thereof, establish eligible lists for the various classes of positions as established by the City; and to provide that employees laid off because of curtailment of expenditures, reduction in force, and for like cause, head the list in the order of their seniority, to the end that they shall be the first to be reemployed.

10. When a vacant position is to be filled, to certify to the appointing authority, on written request, the names of the three persons highest on the eligible list for the class. The Commission shall make provision in its rules for provisional or temporary appointments to be utilized when there is no such eligible list applicable to the vacant position, or which may be utilized at the discretion of the appointing authority when there are less than three names on the eligibility list applicable to the vacant position. Such temporary or provisional appointment shall not exceed a period of six months in duration but may be extended for up to an additional six months if for any reason it cannot be determined at the expiration of the initial appointment that the position being filled by temporary or provisional appointment will in fact continue to be vacant, such as in the instance of a position vacant due to an officer on disability leave under the LEOFF Act, or for other good cause which in the discretion of the Commission warrants an additional extension of such a provisional or temporary appointment.

11. Keep such records as may be necessary for the proper administration of this chapter.

B. The Commission shall appoint a person to hold the position of Secretary and Chief Examiner. The duties of the Secretary and Chief Examiner shall be to keep the records of the Commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the Commission may prescribe.

(Ord. 2417 §1, 2013; Ord. 1877 §1 (part), 1999)

2.42.040 Persons Included – Competitive Examination – Transfers, Discharges and Reinstatements

The provisions of this chapter shall include all full-time, fully paid employees of the City's Police and/or Fire Departments, with the exception of the chiefs thereof who, because of the nature of their positions and pursuant to RCW 41.08.050 and 41.12.050, shall serve in their positions as other City department heads, and with the further exception of all clerical, dispatchers, fire inspectors, mechanics and other employees of the Fire Department who are not full-time, fully commissioned firefighters. The position of civil service Secretary and Chief Examiner shall not be a civil service position. All appointments to and promotions covered by this chapter shall be made solely on merit, efficiency and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person shall be reinstated in or transferred, suspended or discharged from any such place, position, or employment contrary to the provisions of this chapter.

(Ord. 1877 §1 (part), 1999)

2.42.050 Existing Personnel Continued Under Civil Service

For the benefit of the public service and to prevent delay, injury or interruption therein by reason of the enactment of this chapter, all persons having completed probation in the Police or Fire Department are hereby declared permanently appointed under civil service to the offices, places, positions or employments which they shall then hold respectively, and not on probation; and every such person is hereby automatically adopted and inducted permanently into civil service, into such office, place, position or employment which such person then holds even though that office, place, position or employment is not subject to the civil service requirements of this chapter.

(Ord. 1877 §1 (part), 1999)

2.42.060 Qualifications of Applicants

An applicant for a position of any kind under civil service must be a citizen of the United States of America who can read and write the English language. An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the Commission may deem advisable.

(Ord. 1877 §1 (part), 1999)

2.42.070 Tenure of Employment – Grounds for Discharge, Reduction or Deprivation of Privileges

The tenure of everyone holding an office, place, position or employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

1. Incompetency, inefficiency or inattention to or dereliction of duty.
2. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct himself; or any willful violation of the provisions of this chapter or the rules and regulations to be adopted hereunder.
3. Mental or physical unfitness for the position which the employee holds.
4. Dishonest, disgraceful, immoral or prejudicial conduct.
5. Drunkenness or use of intoxicating liquors, narcotics or any other habit-forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the function and duties of any position under civil service.
6. Conviction of a felony, or a misdemeanor, involving moral turpitude.
7. Any other act or failure to act which in the judgment of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

(Ord. 1877 §1 (part), 1999)

2.42.080 Procedure for Removal, Suspension, Demotion or Discharge – Investigation – Hearing – Appeal

A. No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this chapter shall be removed, suspended, demoted or discharged except for cause, and only upon written accusation of the appointing authority or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the Commission.

B. Any person so removed, suspended, demoted or discharged may, within ten days from the date of his removal, suspension, demotion or discharge, file with the Commission a written demand for an investigation whereupon the Commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons, and was or was not made in good faith for cause.

C. After such investigation, the Commission may affirm the removal, suspension, demotion or discharge; or, if it shall find that the removal, suspension, demotion or discharge was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged; which reinstatement shall, if the Commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The Commission, upon such investigation in lieu of affirming the removal, suspension, demotion or discharge, may order that such action that it deems appropriate be taken in lieu of removal, suspension, demotion or discharge. The findings of the Commission shall be certified in writing to the appointing power, and shall be forthwith enforced by such officer.

D. All investigations made by the Commission pursuant to the provisions of this section shall be had by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his/her defense.

E. The accused may appeal from the Commission's judgment or order to the court of original and unlimited jurisdiction in civil suits of the county wherein he/she resides. Such appeal shall be taken by serving the Commission, within 30 days after the entry of the Commission's judgment or order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and all papers on file in the office of the Commission affecting or relating to such judgment or order, be filed by the Commission with such court. The Commission shall, within ten days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner; provided, however, that such hearing shall be confined to the determination of whether the judgment or order made by the Commission was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

(Ord. 1877 §1 (part), 1999)

2.42.090 Filling of Vacancies–Probationary Period

A. Whenever a position in the classified service becomes vacant, the appointing authority, if it desires to fill the vacancy, shall make requisition upon the Commission for the names and addresses of the persons eligible for appointment thereto. The Commission shall certify the names of the three persons highest on the eligible list for the class to which the vacant position has been allocated, who are willing to accept employment. If there is no eligible list for the class, the Commission shall either establish such a list as provided in this chapter or otherwise determine what list shall be deemed appropriate for such class. The Commission shall then certify the names of the three persons standing highest on the list. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy.

B. The appointing authority shall, after review of the persons so certified, appoint one person to each such vacant position. If any person certified by the Commission is removed from the list or otherwise requests to not be considered for appointment, the Commission shall forthwith certify the next highest person on the list to replace those removed. The Commission, in their rules, shall establish a procedure for removal of names from the eligibility list either prior to or subsequent to certification to the appointing authority.

C. Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position containing the names of at least three eligibles exists, the Commission shall forthwith certify the names of the top three persons eligible for appointment to the appointing power, and the appointing power shall appoint one person so certified, provided they are found to in fact be qualified, to the position.

D. If there is an eligible list for the class which contains the names of less than three eligibles, the appointing authority may, upon being notified of such fact, elect to fill the vacancy by temporary appointment until the eligible list contains the names of at least three eligibles. The Civil Service Commission may provide in its rules for expiration of an eligible list when the number of names on such list has been reduced to less than three, or may provide for a method of supplementing the list with additional eligibles who have been tested in the same manner as those on the list.

E. To enable the appointing authority to exercise a choice in the filling of positions, no appointment, employment or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of one year probationary service, as shall be provided in the rules of the Civil Service Commission during which the appointing power may terminate the employment of the person certified to him/her if, during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing authority deems him/her unfit or unsatisfactory for service in the department, whereupon the appointing authority shall designate one of the persons certified as standing within the next three persons highest on any such list. Such persons shall likewise enter upon the duties until some person is found who is deemed fit for appointment, employment or promotion for the probationary period provided therefor, whereupon the appointment, employment or promotion shall be deemed to be complete. The Commission shall provide a procedure in their rules for extending probations for up to an additional six months if requested by the appointing authority.

(Ord. 1877 §1 (part), 1999)

2.42.100 Power to Create Offices, Make Appointments and Fix Salaries Not Infringed

All offices, places, job descriptions, positions and employments and Fire Department classifications coming along within the purview of this chapter shall be created by the Mayor and City Council or Mayor alone or whomever otherwise is vested with power and authority to select, appoint, or employ any person coming within the purview of this chapter; and nothing contained in this section shall infringe upon the power and authority of any such person or group of persons, or appointing authority, to fix the salaries and compensation of all employees employed hereunder.

(Ord. 1877 §1 (part), 1999)

2.42.110 Enforcement by Civil Action –Legal Counsel

It shall be the duty of the Commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this chapter and of the rules of the Commission. The Commission shall be represented in such suits by the chief legal officer of the City, or his/her designee, but the Commission may in any case be represented by special counsel appointed by it.

(Ord. 1877 §1 (part), 1999)

2.42.120 Deceptive Practices, False Marks, Etc., Prohibited

No commissioner or any other person shall, by himself or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect of his right of examination or registration according to the rules and regulations of this chapter, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this chapter, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified or persuade any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration of application or request to be examined or registered.

(Ord. 1877 §1 (part), 1999)

2.42.130 Penalty – Jurisdiction

Any person who shall willfully violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$100 and by imprisonment in jail for not longer than 30 days, or by both such fine and imprisonment.

(Ord. 1877 §1 (part), 1999)

2.42.140 Applicability

The examination and eligibility provisions of this chapter and establishment of positions covered by civil service by the provisions of this chapter shall be effective for all appointments made after the effective date of 1877.

(Ord. 1877 §1 (part), 1999)

CHAPTER 2.48
FIRE DEPARTMENT

Sections:

- 2.48.010 State Death and Disability Provisions
 - 2.48.020 Number of Volunteer Personnel
 - 2.48.030 Compensation of Volunteer Firemen
 - 2.48.040 Fire Marshal
-

2.48.010 State Death and Disability Provisions

A. On and after March 19, 1945, all firemen, including volunteer and fully-paid, shall be entitled to the benefits of the death and disability provisions provided under RCW 41.24.

B. The City Clerk shall be the secretary-treasurer of the board of trustees created by said act and shall enroll each fireman under the death and disability provisions of said law.

(Ord. 167 §§1, 2, 1946)

2.48.020 Number of Volunteer Personnel

The volunteer Fire Department personnel of the City shall not at any time exceed 25 firemen for each 1,000 of population, or fraction thereof of the City's population.

(Ord. 572 (part), 1969; Ord. 167 §3, 1946)

2.48.030 Compensation of Volunteer Firemen

A. Volunteer firemen shall receive a reimbursement of \$2.50 per hour for each fire call he answers and a fee of \$2.50 per hour for each practice he attends, but shall receive no less than \$5.00 per call or practice.

B. Said reimbursements shall be paid monthly upon receipt of an itemized statement from the Fire Chief.

C. The total of all reimbursements paid to volunteer firemen in a calendar year under the terms of this chapter shall not exceed the appropriation in the annual budget.

(Ord. 1223 §1, 1981; Ord. 548 §§1, 2, 3, 1969)

2.48.040 Fire Marshal

A. There is established within the Tukwila Fire Department the position of fire marshal, which shall be an administrative position under direction of the Fire Chief.

B. Salary for the fire marshal for the 1974 budget year shall be \$1,166 per month.

(Ord. 842 §1, 2, 1974)

CHAPTER 2.52
EMPLOYEE BENEFITS

Sections:

- 2.52.010 Social Security
- 2.52.020 State-Wide City Employee Retirement System
- 2.52.030 Legal Holidays
- 2.52.040 Sick Leave
- 2.52.050 Domestic Partner Benefits

2.52.010 Social Security

A. The City shall become a participant in the Social Security System, and the benefits of old age and survivors' insurance as provided in RCW 41.48 shall be extended to its employees and officers.

B. The Mayor and the City Clerk are authorized to execute and deliver to the Washington Department of Employment Security for its approval the plan or plans required under the provisions of RCW 41.48.050 of said State enabling act and of the Social Security Act, to extend coverage to the employees and officers of this municipality and to do all other things necessary to that end.

C. The proper fiscal officers are authorized to make all required payments into the contribution fund established by the enabling act, and to establish such system of payroll deductions from the salaries of employees and officers as may be necessary to their coverage under said old age and survivors insurance system.

D. The proper officials of the City shall do all things necessary to the continued implementation of said system.

E. This City shall become a participant in the Social Security System effective as of January 1, 1951.

(Ord. 210 (part), 1951)

2.52.020 State-Wide City Employee Retirement System

A. The City hereby elects to participate as a member of the State-wide City employees' retirement system for pension, relief, disability and retirement for the employees of the City, as provided by RCW 41.44. All employees and officials of the City shall be included in this system, provided that no elective official shall be included unless the official so elects and files a written notice of such election with the board of trustees of the pension system and with the City Clerk.

B. The number of employees and officials, other than elective officials, who shall be included as members of the pension system is approximately 14.

C. A certified copy of Ordinance No. 210 shall be transmitted to the board of trustees of the State-wide system as evidence of an election of the City to join such pension system.

D. The basis for prior service credit shall be 100% of final compensation known as full prior service credit.

E. The basis of social security coverage will be coordination.

F. The basis for contribution shall be maximum contribution basis.

(Ord. 441 §1-6, 1965)

2.52.030 Legal Holidays

A. Unless otherwise provided in applicable collective bargaining agreements, all employees shall receive the following holidays off with 8 hours' compensation at their regular straight-time hourly rate of pay:

New Year's Day	January 1
Martin Luther King, Jr. Day	3rd Monday of January
President's Day	3rd Monday of February
Memorial Day	Last Monday of May
Independence Day	July 4
Labor Day	1st Monday of September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday of November
Day after Thanksgiving Day	Friday
Christmas Day	December 25
One Floating Holiday	At employee's choice

B. An employee may select one personal holiday each calendar year as a floating holiday, and the City must grant such a day, provided:

1. The employee has been or is scheduled to be continuously employed by the City for more than four months during the calendar year in which the floating holiday is to be taken;

2. The employee has given not less than 14 calendar days' notice to the supervisor, provided, however, that the employee and the supervisor may agree upon an earlier date; and

3. The number of employees selecting a particular day off does not prevent the City from providing continued public service.

C. The floating personal holiday must be taken during the calendar year of entitlement or the day shall lapse, except when an employee has requested a personal holiday and the request has been denied.

D. In the event that a holiday falls upon a Sunday, the following Monday shall be deemed to be the legal holiday. In the event the legal holiday falls on a Saturday, the preceding Friday shall be deemed to be the legal holiday.

E. Nothing in this section shall be construed to have the effect of adding or deleting the number of paid holidays provided for in existing agreements between employees and the City.

F. Employees of the City will be granted up to 2 unpaid holidays per year for reasons of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church or religious organization. If an employee prefers to take the two unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days he or she has selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety.

(Ord. 2446 §1, 2014; Ord. 1663 §1, 1993;
Ord. 1382 §1, 1986)

2.52.040 Sick Leave

Unless otherwise provided by applicable collective bargaining agreements, every regular full-time and regular part-time City employee or officer hereafter employed by the City shall accumulate sick leave with pay at the rate of eight hours for each completed full calendar month of service up to a maximum of 720 hours. All of the foregoing shall be subject to the following conditions:

1. Any full-time employee who is on sick leave as above specified for a period of five days or longer shall, prior to being entitled to any compensation therefor, furnish without delay a report from a qualified doctor which shall contain a diagnosis of the sickness, whenever possible. "Qualified doctor" shall be a duly licensed doctor of medicine.

2. In the event an employee or officer terminates employment, or such employment is terminated for any reason whatsoever with the City, prior to using his or her accumulated sick-leave time, he or she shall be entitled to pay equal to 25% of the amount payable for any unused sick leave; provided that the employee has successfully completed his/her probationary period.

3. In any case in which the employee shall be entitled to benefits or payments under the Worker's Compensation Act or similar legislation of the State of Washington or any other governmental unit, the City of Tukwila shall pay the difference between the benefits and payments received under such act by such employee and the regular rate of compensation he or she would have received from the City of Tukwila if able to work. The foregoing payment or contribution by the City shall be limited to the period of time such employee had accumulated sick leave credits as hereinabove specified. Furthermore, the sick leave benefits herein specified shall not be applicable to any employee who is covered by any relief and pension act or similar legislation providing for sickness and/or disability payments, or the State of Washington, or any union contract granting substantially equal or greater benefits than herein provided.

(Ord. 1415 §1, 1987)

2.52.050 Domestic Partner Benefits

A. *Benefits Extended.* The City of Tukwila self-insured healthcare plan extends dependent eligibility to employees' domestic partners and their children. The City will provide benefit coverage to a domestic partner of the same or opposite sex and dependent children on the same basis as provided to a spouse and dependent children.

B. *Eligibility.* Eligibility for domestic partnership status will be established by presentation of proof of a registered domestic partnership of the State of Washington or the submission of an affidavit and documentation as required by the City's Personnel Policies as currently written or hereinafter amended.

(Ord. 2188 §1 & 2, 2007)

CHAPTER 2.57

EMERGENCY MANAGEMENT

Sections:

2.57.010	Purpose
2.57.020	Definitions
2.57.030	Emergency Powers of the Mayor
2.57.040	City Council - Duties
2.57.050	Emergency Management Council - Membership
2.57.060	Emergency Management Council's Powers and Duties
2.57.070	Director's Powers and Duties
2.57.080	Emergency Manager
2.57.090	Emergency Management Organization
2.57.100	Departments, Divisions, Services and Staff
2.57.110	Mutual Aid Agreements
2.57.120	Punishment of Violations
2.57.130	No Private Liability

2.57.010 Purpose

Recognizing the existing and future possibility of emergencies in the City and surrounding regions, the declared purposes of this chapter are:

1. to insure that preparations of the City will be adequate to deal with emergencies;
2. to protect the public peace, health and safety and to preserve the lives and property of the people of the City;
3. to provide for emergency management of the City;
4. to confer upon the Mayor and others emergency powers and authority; and
5. to declare that all emergency management functions of the City be coordinated to the maximum extent with other governmental entities, tribal nations, and private entities to provide the most effective preparation and use of City staff, resources and facilities to deal with any emergency situation that may occur.

(Ord. 2337 §1 (part), 2011)

2.57.020 Definitions

As used in this chapter, these terms shall be defined as follows:

1. *"Emergency"* – Any incident, whether natural or man-made, that requires responsive action to protect life and property. An emergency can also mean any occasion or instance for which assistance is needed to supplement our local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the City.
2. *"Emergency Management"* – The preparation for and the carrying out of all emergency functions to mitigate, prepare for, respond to, and recover from emergencies, and to aid victims suffering from injury or damage resulting from emergencies caused by all hazards, whether natural, techno-

logical or human caused, and to provide support for search and rescue operations for persons and property in distress.

3. *"Emergency Worker"* – Any person registered with the City's Emergency Management Organization under the provision of TMC Section 2.57.090, or any member of the military, and who holds an identification issued by said organizations, for the purpose of engaging in authorized emergency management activities, or any employee of the City or any subdivision of the City who is called upon to perform emergency management activities.

4. *"Hazardous Materials"* – Materials which, because of their chemical, physical, or biological nature, pose a potential risk to life, health, environment, or property when released.

5. *"Incident Command System" (ICS)* – A standardized on-scene emergency management construct specifically designed to provide an integrated organizational structure that reflects the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries. ICS is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, designed to aid in the management of resources during incidents. It is used for all kinds of emergencies and is applicable to small as well as large and complex incidents. ICS is used by various jurisdictions and functional agencies, both public and private, to organize field-level incident management operations.

6. *"Mitigation"* – Activities providing a critical foundation in the effort to reduce the loss of life and property from natural and/or manmade emergencies by avoiding or lessening the impact of an emergency and providing value to the public by creating safer communities. Mitigation seeks to fix the cycle of damage as a result of an emergency, reconstruction, and repeated damage. These activities or actions, in most cases, will have a long-term, sustained effect.

7. *"Preparedness"* – A continuous cycle of planning, organizing, training, equipping, exercising, evaluating, and taking corrective action in an effort to ensure effective coordination during incident response. Within the National Incident Management System, preparedness focuses on the following elements: planning, procedures and protocols, training and exercises, personnel qualification and certification, and equipment certification.

8. *"Recovery"* – The development, coordination, and execution of service- and site-restoration plans; the reconstitution of government operations and services; individual, private-sector, nongovernmental, and public assistance programs to provide housing and to promote restoration; long-term care and treatment of affected persons; additional measures for social, political, environmental, and economic restoration; evaluation of the incident to identify lessons learned; post-incident reporting; and development of initiatives to mitigate the effects of future incidents.

9. "Response" – Activities that address the short-term, direct effects of an incident. Response includes immediate actions to save lives, protect property, and meet basic human needs. Response also includes the execution of emergency operations plans and of mitigation activities designed to limit the loss of life, personal injury, property damage, and other unfavorable outcomes. As indicated by the situation, response activities include applying intelligence and other information to lessen the effects or consequences of an incident; increased security operations; continuing investigations into nature and source of the threat; ongoing public health and agricultural surveillance and testing processes; immunizations, isolation, or quarantine; and specific law enforcement operations aimed at preempting, interdicting, or disrupting illegal activity, and apprehending actual perpetrators and bringing them to justice.

(Ord. 2337 §1 (part), 2011)

2.57.030 Emergency Powers of the Mayor

In the event of a proclamation of emergency as herein provided, or upon a proclamation of state of emergency by the Governor, the Mayor is hereby empowered to:

1. Proclaim a State of Emergency for the City when necessary.
2. Make, and issue rules and regulations on all matters reasonably related to the protection of life or property as affected by such emergency; provided, however, that such rules and regulations must be confirmed at the earliest practicable time by the City Council.
3. Request that the County Executive or other chief executive or legislative officer of the county request a proclamation of a state of emergency when, in the opinion of the Mayor, the resources of the area or region are inadequate to cope with the emergency.
4. Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property of the people and to bind the City of Tukwila for the fair value thereof, and, if required immediately, to commandeer the same for public use.
5. Waive and dispense with public bidding requirements of RCW 35.23.352 on an emergency basis as necessary.
6. Control and direct the efforts of the emergency management organization of the City of Tukwila for the accomplishment of the purposes of this chapter.
7. Requisition necessary personnel or material of any City department or agency.
8. Execute all the special powers conferred upon the Mayor by this chapter, by any other statute, agreement, or lawful authority, as necessary.
9. Establish continuity of government and ensure proper succession of authority (TMC Section 2.04.070 (B)).

(Ord. 2337 §1 (part), 2011)

2.57.040 City Council – Duties

It shall be the duty of the City Council, consistent with the provisions set forth in TMC Section 2.57.060, to:

1. Give input and consent to the Mayor regarding appointments made pursuant to TMC Section 2.57.050.
2. Consider adoption of or ratify emergency management mutual aid plans and agreements, and such ordinances, resolutions, rules and regulations as necessary to implement such plans and agreements as are referred to them by the Emergency Management Council, pursuant to TMC 2.57.060, provided the same or parts thereof are not inconsistent with this chapter.
3. Approve or ratify, at the earliest possible time after their issuance, rules and regulations related to the protection of life, environment and property that are affected by an emergency, such rules and regulations having been made and issued by the Emergency Management Director pursuant to TMC Section 2.57.070, provided the same or parts thereof are not inconsistent with this chapter.
4. Distribute, pursuant to resolution, the functions and duties of the City's Emergency Management Organization among the departments, divisions, services and special staff referred to in TMC Section 2.57.100.

(Ord. 2337 §1 (part), 2011)

2.57.050 Emergency Management Council– Membership

The Emergency Management Council shall consist of the following:

1. The Mayor, who shall be chairperson.
2. The Director of Emergency Management, who shall be vice-chairperson.
3. City Administrator, all City department heads and the Emergency Manager.
4. Such City employees and other citizens with technical expertise in related areas as may be appointed by the Mayor, with the input and consent of the City Council.

(Ord. 2337 §1 (part), 2011)

2.57.060 Emergency Management Council's Powers and Duties

The Emergency Management Council shall have the following powers and duties consistent with the purposes of this chapter:

1. Advise the Mayor and the Director of Emergency Management in all matters pertaining to City emergency management, and appoint such ad hoc committees, subcommittees and working groups as are required to develop specific recommendations for the improvement of emergency management practices, standards, policies or procedures.
2. Ensure the Mayor and City Council receive an annual assessment of Citywide emergency preparedness, including but not limited to, specific progress on hazard mitigation and reduction efforts, implementation of seismic safety improvements, reduction of flood hazards and coordination of hazardous materials planning and response activities.
3. Review administrative rules governing City emergency management practices and recommend necessary revisions to the Director of Emergency Management.
4. Meet regularly, as called by the chairperson or, in his/her absence from the City or inability to call such meeting, the vice chairperson.

(Ord. 2337 §1 (part), 2011)

2.57.070 Director's Powers and Duties

A. The Mayor, pursuant to RCW 38.52.070 (1), appoints the Director of Emergency Management ("Director"). In the absence of the Director, the Mayor shall appoint a temporary Director until the Director returns or a replacement is found.

B. The Director shall have the following powers and duties consistent with the purposes of this chapter:

1. Responsible for the organization, administration, and operation of emergency management in the City, subject to the direction and control of the Mayor.
2. Oversee implementation of, and annual updates to, the City's Comprehensive Emergency Management Plan ("the Plan"), consistent with the requirements specified in Chapter 38.52 RCW, and coordinated with other state and county plans and programs; ensure compliance with the National Incident Management System and ensure operation and maintenance of the City's Incident Command System; coordinate with the Emergency Management Council to conduct at least one tabletop exercise annually and one full-scale exercise every 3 to 5 years to maintain proficiency in the use of the Plan.
3. Coordinate efforts of the Emergency Management Organization of the City for the accomplishment of the purposes of this chapter.
4. Coordinate efforts between departments, divisions, services, and staff of the Emergency Management Organization of the City, and resolve questions of authority and responsibility that may arise between them.

5. Represent the Emergency Management Organization of the City in dealings with public or private agencies pertaining to emergency management and response to emergencies.

6. Coordinate the ongoing development and evaluation of emergency plans concerning the application of mitigation strategies and preparation, response, and recovery mechanisms, and include such in the City's emergency management activities with various federal, state, tribal, and local governments, non-governmental organizations (NGOs), and the private sector; conduct and evaluate testing of emergency plans; and preside over and guide interdepartmental emergency management planning committees that may be created by the Emergency Management Council.

7. Coordinate development and presentation of rules and regulations to the Emergency Management Council that will assist in efforts to reasonably protect life, environment, and property during an emergency.

8. Prepare for the Mayor's signature any proclamation of local emergency and, upon approval, submit it to federal, state, regional, and local agencies, as required. This proclamation authorizes the City to take necessary measures to combat an emergency; protect persons, environment and property; provide emergency assistance to victims of the emergency; and exercise powers authorized in RCW 38.52.070. These include, but are not limited to, rationing; curfew; and waiver of requirements pertaining to budget law limitations, competitive bidding processes, publication of notices, provisions to the performance of public work, entering into contracts, incurring obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditure of public funds. Such proclamation must be confirmed and ratified by the City Council, as soon as is reasonably practical, and provided the purposes of any such proclamation are consistent with the purposes of this chapter.

9. As required by state law and upon approval by the Mayor and the City Council, submit all plans and programs for State review and certification.

10. Coordinate the services and resources of volunteers, provided that volunteers so directed shall be entitled during the period of such service to all privileges, benefits and immunities as are provided by state law and federal and state emergency management regulations for registered emergency workers.

11. Execute all the special powers conferred by this chapter or by resolution adopted pursuant thereto, and all powers conferred by statute, by agreement approved by the Emergency Management Council, or by any other lawful authority.

(Ord. 2337 §1 (part), 2011)

2.57.080 Emergency Manager

The Emergency Manager (EM) is a full-time position that reports to the Director of Emergency Management. As part of the position's responsibilities, the EM will ensure the Comprehensive Emergency Management Plan and its supporting procedures are reviewed and updated annually; an education and training program is developed and implemented in emergency management tasks for City employees, residents and businesses; and periodic training and exercises are conducted pursuant to TMC Section 2.57.070.

(Ord. 2337 §1 (part), 2011)

2.57.090 Emergency Management Organization

All officers and employees of the City, together with those citizens enrolled to aid them during an emergency, and all groups, organizations and persons who may, by agreement or operation of law, including persons pressed into service under the provisions of TMC Section 2.57.070 who shall be charged with duties incident to the protection of life, environment and property in the City during such emergency, shall constitute the Emergency Management Organization of the City.

(Ord. 2337 §1 (part), 2011)

2.57.100 Departments, Divisions, Services, and Staff

The functions and duties of the City's Emergency Management Organization shall be distributed among such departments, divisions, services and special staff as the Director of Emergency Management shall direct.

(Ord. 2337 §1 (part), 2011)

2.57.110 Mutual Aid Agreements

The Mayor shall have the power to sign, on behalf of the City and the Emergency Management Council, mutual aid agreements with other governmental entities, tribal nations and non-governmental entities that have been approved by the City Council. All previous mutual aid agreements that have been signed by the Mayor are hereby confirmed and ratified, provided the same or parts thereof are not inconsistent with this chapter.

(Ord. 2337 §1 (part), 2011)

2.57.120 Punishment of Violations

It is a misdemeanor punishable as provided in TMC Section 1.08.010 for any person, during an emergency, to:

1. Willfully obstruct, hinder, or delay any member of the Emergency Management Organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter or in the performance of any duty imposed by virtue of this chapter.

2. Do any act forbidden by any lawful rules or regulations issued pursuant to this chapter.

3. Wear, carry or display, without authority, any means of identification specified by the State Department of Emergency Management.

4. In any manner loot or carry off any items of value not belonging to the person charged during an emergency or its aftermath.

(Ord. 2337 §1 (part), 2011)

2.57.130 No Private Liability.

No individual, firm, association, corporation or other party, or their successors in interest, or the agents or employees of any of them, owning, maintaining or controlling any building or premises, who voluntarily and without compensation grants to the City a license or privilege or otherwise permits the City to inspect, designate and use the whole or any part or parts of the building or premises for the purpose of sheltering persons, property and/or animals during an actual or impending emergency, or during full-scale exercise or any other training event, shall be subject to legal liability for damage to property or injury or death to any persons or animals while in or upon the building or premises for the purposes expressed above. All legal liability for damage to property or injury or death to persons or animals caused by acts done, or attempted, under color of this chapter and a bona fide attempt to comply therewith, other than acts done in bad faith, gross negligence, or willful misconduct, shall be the obligation of the State of Washington. The City is immune from liability under this chapter to the fullest extent allowed by law.

(Ord. 2337 §1 (part), 2011)

CHAPTER 2.60
ELECTRIC UTILITY FRANCHISE

Sections:

- 2.60.040 Area Determination
 - 2.60.050 Exclusive Service Area to Prior Franchise
 - 2.60.060 Filing Map Required
 - 2.60.070 Establishing Facility In Service Area Of Another Utility
 - 2.60.080 Common Service Area
 - 2.60.090 Boundaries
 - 2.60.100 Common Service Area – Excluded Utility
-

2.60.040 Area Determination

It is the policy of the City that all electric public utilities heretofore or hereafter franchised shall exclusively serve such area within the City as shall be determined by the City Council, to be consistent with the health, safety and welfare of the public in the elimination of duplicate electrical installations, attendant hazards and burden upon the City's various real property.

(Ord. 353 §1, 1962)

2.60.050 Exclusive Service Area to Prior Franchise

Those electric public utilities now franchised shall be, and by Ordinance No. 353 are, granted exclusive service areas consisting of such areas within the City limits as they exclusively served on January 1, 1962.

(Ord. 353 §2, 1962)

2.60.060 Filing Map Required

Every electric public utility shall, within 60 days of the first publication of Ordinance No. 353, file with the City Clerk a map showing the boundary of all areas within the City in which such utility actually exclusively served consumers on January 1, 1962. Unless controverted by an interested citizen or another such utility within 30 days of filing, such map shall conclusively determine the established service area of the filing utility.

(Ord. 353 §3, 1962)

2.60.070 Establishing Facility in Service Area of Another Utility

No electric public utility shall hereafter be permitted to establish any facility pursuant to its franchise for the purpose of serving any area now or hereafter established as the exclusive service area of another electric public utility.

(Ord. 353 §4, 1962)

2.60.080 Common Service Area

Any area actually served by any two or more franchised electric public utilities on January 1, 1962, shall be and remain the common service area of both unless or until such service shall be discontinued by any such utility for 30 days or more, in which case such discontinuing utility shall thereafter be deemed to be excluded from servicing such area.

(Ord. 353 §5, 1962)

2.60.090 Boundaries

The boundaries of service areas shall in every instance follow the exterior property line of the consumer actually served. In the event of any dispute among utilities, the location and boundary of service areas shall be investigated by the City supervisor and reported to the City Council. The Council shall hear the supervisor's report together with any evidence submitted to the supervisor by any interested person and shall, by ordinance, determine and locate such boundary.

(Ord. 353 §6, 1962)

2.60.100 Common Service Area – Excluded Utility

Should any common service area of two or more electric public utilities exist wherein any such utility shall be excluded as provided in TMC 2.60.080, then such excluded utility shall, within 30 days of such exclusion, abate and remove any electrical equipment or facilities which serve only the area from which it was thereby excluded, it being the purpose of this provision that hazards arising from the continuation of such facilities be abated as soon as is reasonable.

(Ord. 353 §7, 1962)

CHAPTER 2.64
SALE OF CITY PROPERTY

Sections:

2.64.010	Authorization – Effecting Transfer of Property Conveyance
2.64.020	Minimum Price Set
2.64.030	Call for Bids – Exceptions
2.64.040	Notice of Intent to Sell
2.64.050	Opening Bids – Rejection
2.64.060	Receipt of Acceptable Bid – Preparation of Instruments
2.64.070	Unacceptable Bids – Negotiation of Bids

2.64.010 Authorization – Effecting Transfer of Property Conveyance

Whenever it shall appear to the Mayor and the City Council that it is for the best interests of the City and the people thereof that any lot, parcel, or portion of such lot or parcels, the property, whether real, personal, or mixed, belonging to the City, should be sold, it shall be the duty of the Council to authorize a sale of such property acting by and through the Mayor of the City, to cause to be effected the conveyance as necessary to transfer the property, after the same has been appraised, and under the limitations and restrictions and in the manner hereinafter provided.

(Ord. 663 §1, 1971)

2.64.020 Minimum Price Set

Subsequent to receipt of an assessment of the value of the property, the Council shall fix a minimum price at which such may be sold. No bid shall be deemed acceptable that does not meet the minimum price fixed by the Council.

(Ord. 1958 §1, 2001; Ord. 663 §2, 1971)

2.64.030 Call for Bids – Exceptions

The City Clerk shall cause a call for bids to be published relating to such property, except when:

1. Selling to a governmental agency in the manner provided in the laws of the State of Washington;
2. The value of the property to be sold is less than \$500.00; and
3. The Council setting forth the facts by resolution has declared an emergency to exist.

(Ord. 663 §3, 1971)

2.64.040 Notice of Intent to Sell

The City Clerk shall give notice of the City's intention to make such sale by one publication in the official newspaper of the City; the City Clerk shall also cause notice of the City's intention to make such sales to be posted on the public bulletin board in a conspicuous place in the City Hall of Tukwila; both posting and the date of publication must be at least five calendar days before the final date for submission of such competitive bids.

(Ord. 663 §4, 1971)

2.64.050 Opening Bids – Rejection

The bid shall be opened in public at the time and place stated in such publication. The City Council may reject any and all bids, or the bid for any one or more of the parcels, real or personal, included in the aforesaid call for bids.

(Ord. 663 §5, 1971)

2.64.060 Receipt of Acceptable Bid – Preparation of Instruments

Upon receipt of an acceptable bid relating to the property, the Council shall authorize the Mayor to cause necessary instruments to be prepared, and further authorizes the Mayor to execute such instruments.

(Ord. 663 §6, 1971)

2.64.070 Unacceptable Bids – Negotiation of Bids

In the event no bids, or no satisfactory bids, have been received pursuant to the method outlined in this chapter, or in the event the value of the property is less than \$500.00, then the Mayor and City Council may receive or negotiate bids relative to the sale of such property.

(Ord. 1956 §2, 2001; Ord. 663 §7, 1971)

CHAPTER 2.68
MUNICIPAL COURT**Sections:**

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2.68.005 Court Established

There is established a municipal court entitled "the Municipal Court of the City of Tukwila," hereinafter referred to as "Municipal Court," which court shall have jurisdiction and shall exercise all powers enumerated herein and in RCW 3.50 as amended by Chapter 258, Laws of 1984, together with such other powers and jurisdiction as are generally conferred upon such court in this state either by common law or by express statute.

(Ord. 1324 §2, 1984)

2.68.006 Court Seal

The Municipal Court shall have a seal which shall be the vignette of George Washington, with the words "Seal of the Municipal Court of Tukwila, State of Washington," surrounding the vignette.

(Ord. 1324 §15, 1984)

2.68.010 Jurisdiction

The Municipal Court shall have exclusive original jurisdiction over traffic infractions arising under City ordinances, and exclusive original criminal jurisdiction of all violations of City ordinances duly adopted by the City. The Municipal Court shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or by State statutes. The Municipal Court is empowered to forfeit cash bail or bail bonds and issue execution thereon; and in general to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinances and to pronounce judgment in accordance therewith.

(Ord. 1324 §3, 1984)

2.68.020 Judges – Appointment – Qualifications

A. The municipal judge holding office on July 1, 1984, the effective date of Ordinance No. 1324, shall continue to hold office until expiration of his or her term or January 1, 1986, whichever occurs first. The term of a successor shall commence on January 1, 1986, and/or January 1 of each fourth year thereafter, pursuant to appointment as provided below.

B. The municipal judge shall be appointed by the Mayor, subject to confirmation by the City Council, for a term of four years. Appointments shall be made on or before December 1 of the year next preceding the year in which the term commences.

C. A person appointed as municipal judge shall be a citizen of the United States of America and of the State of Washington; and an attorney admitted to practice law before the courts of record of the State.

(Ord. 1324 §4, 1984)

2.68.025 Salaries - Costs

All costs of operating the Municipal Court, including but not limited to, salaries of judges and court employees, dockets, books of records, forms, furnishings and supplies, shall be paid wholly out of the funds of the City. The City shall provide a suitable place for holding court and pay all expenses of maintaining it.

(Ord. 2261 §1, 2009; Ord. 1324 §5, 1984)

2.68.026 Municipal Judge Salary

The salary of the Municipal Court Judge shall be set at the rate of 85% of the District Court Judges Salary as set by the Salary Schedule adopted by the Washington Citizens' Commission on Salaries for Elected Officials on an annual basis.

(Ord. 2420 §1, 2013; Ord. 2261 §2, 2009)

2.68.027 Removal of Judge

A. A municipal judge shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering the judge incapable of performing the duties of the office, or by operation of law. For the purposes hereof, conviction of misconduct or malfeasance in office shall include:

1. Conviction of any criminal offense by the Municipal Judge during the term of office of the Municipal Judge;

2. A determination by the Washington State Judicial Conduct Commission that a code or standard of judicial conduct has been violated; or

3. A finding by the City Council, after notice and a hearing and reasonable opportunity to be heard, that conduct has occurred, not limited to criminal convictions, which interferes with or prevents the Municipal Judge from being able to adequately administer or handle judicial functions of the Municipal Court, or which indicates that the judge cannot act in a fair and/or impartial manner.

B. It is provided, however, that if the Washington State Judicial Conduct Commission, or the Washington State Supreme Court or other court with the jurisdiction to make such decisions, decides that the Municipal Judge is to be removed from office or that the Municipal Judge is not qualified or able to serve as a Municipal Judge, then no further or separate action by the City Council is required to effect such removal.

C. Any vacancy in the Municipal Court due to death, disability or resignation of the Municipal Court judge shall be filled by the Mayor for the remainder of the unexpired term. The appointment shall be subject to confirmation by the City Council. The appointed judge shall be qualified to hold the position of judge of the Municipal Court, as provided in TMC Chapter 2.68 and RCW 3.50 as amended by Chapter 258, Laws of 1984.

(Ord. 2013 §1, 2003)

2.68.030 Municipal Court Employees

All employees of the Municipal Court shall, for all purposes, be deemed employees of the City. They shall be appointed by and serve at the pleasure of the Court; provided, that all applicable personnel practices and procedures with respect to hiring and termination are followed. Supervision of the Court employees shall be by the Mayor or designee.

(Ord. 1324 §6, 1984)

2.68.040 Judges Pro Tem – Court Commissioners

A. The Mayor shall, in writing, appoint judges pro tem who shall act in the absence or disability of the regular judge of the Municipal Court or subsequent to the filing of an affidavit of prejudice. The judge pro tem shall be qualified to hold the position of judge of the Municipal Court as provided herein. The judge pro tem shall receive such compensation as shall be fixed by ordinance. The term of the appointment shall be specified in writing but in any event shall not extend beyond the term of the appointing Mayor.

B. The Municipal Court judge may appoint one or more Municipal Court commissioners, who shall hold office at the pleasure of the Municipal Court judge. Each Municipal Court commissioner shall have such power, authority and jurisdiction in civil and criminal matters as the municipal court judge shall prescribe by court order.

(Ord. 1324 §7, 1984)

2.68.045 Judicial Vacancy

Any vacancy in the municipal court due to a death, disability, or resignation of a Municipal Court judge shall be filled by the Mayor for the remainder of the unexpired term. The appointment shall be subject to confirmation of the City Council. The appointed judge shall be qualified to hold the position of judge of the Municipal Court as provided in this chapter.

(Ord. 1324 §8, 1984)

2.68.050 Municipal Court Hours

The Municipal Court shall be open and shall hold such regular and special sessions as may be prescribed by the Municipal Court judge; provided, that the Municipal Court shall not be open on nonjudicial days.

[Ord. 1324 §9, 1984]

2.68.060 Revenue Deposit

All fees, costs, fines, forfeitures and other moneys imposed or collected by the Municipal Court for the violation of any municipal ordinance, together with any other revenue received by the Municipal Court, shall be deposited with the City Treasurer as a part of the general fund of the City.

(Ord. 726 §6, 1972)

2.68.070 Sentences

A. In all cases of conviction, unless otherwise provided in RCW Chapters 3.30 through 3.74 as now or hereafter amended, where a jail sentence is given to the defendant, execution shall issue accordingly; and where the judgment of the court is that the defendant pay a fine and costs, the defendant may be committed to jail until the judgment is paid in full.

B. A defendant who has been committed shall be discharged upon the payment for such part of the fine and costs as remains unpaid after deducting from the whole amount any previous payment, and after deducting the amount allowed for each day of imprisonment, which amount shall be the same and computed in the same manner as provided for superior court cases in RCW 10.82.030 and 10.82.040, as now or hereafter amended. In addition, all other proceedings in respect of such fine and costs shall be the same as in like cases in the superior court.

C. Every person convicted by the Municipal Court of a violation of the criminal provisions of an ordinance for which no punishment is specifically prescribed in the ordinance shall be punished by a fine of not more than \$5,000.00, or imprisonment in the City jail for a period not to exceed one year, or both such fine and imprisonment.

(Ord. 1324 §10, 1984)

2.68.075 Deferral and Suspension of Sentences

A. After a conviction, the Court may defer sentencing and place the defendant on probation and prescribe the conditions thereof, but in no case shall it extend for more than two years from the date of conviction. During the time of the deferral, the Court may, for good cause shown, permit a defendant to withdraw the plea of guilty, permit the defendant to enter a plea of not guilty, and dismiss the charges.

B. For a period not to exceed two years after imposition of sentence, the Court shall have continuing jurisdiction and authority to suspend the execution of all or any part of the sentence upon stated terms, including installment payment of fines.

C. Deferral of sentence and suspension of execution of sentence may be revoked if the defendant violates or fails to carry out any of the conditions of the deferral or suspension. Upon the revocation of the deferral or suspension, the Court shall impose the sentence previously suspended or any unexecuted portion thereof. In no case shall the Court impose a sentence greater than the original sentence, with credit given for time served and money paid on fine and costs.

D. Any time before entering an order terminating probation, the Court may revoke or modify its order suspending the imposition or execution of the sentence. If the ends of justice will be served, and when warranted by the reformation of the probationer, the court may terminate the period of probation and discharge the person so held.

(Ord. 1324 §11, 1984)

2.68.080 Rules of Pleading, Practice and Procedure

The following rules of pleading, practice and procedure shall govern criminal proceedings in the Tukwila Municipal Court:

A. COMPLAINT:

1. *Initiation.* Except as otherwise provided in this rule, all criminal proceedings shall be initiated by a complaint;

2. *Contents.* The complaint shall be in writing and shall set forth:

- a. The name of the court,
- b. the title of the action and the name of the offense charged,
- c. the name of the person charged, and
- d. the offense charged, in the language of the ordinance, together with a statement as to the time, place, person and property involved, to enable the defendant to understand the character of the offense charged;

3. *Verification.* The complaint shall be signed under oath by the City attorney or other authorized officer.

B. CITATION AND NOTICE TO APPEAR:

1. *Issuance.* Whenever a person is arrested for a violation of law which is punishable as a misdemeanor or gross misdemeanor, the arresting officer or any other authorized peace officer, may serve upon the arrested person a citation and notice to appear in court, in lieu of continued custody. In determining whether to issue a citation and notice to appear, a peace officer may consider the following factors:

- a. whether the person has identified himself satisfactorily,
- b. whether detention appears reasonably necessary to prevent imminent bodily harm to himself or to another, injury to property, or breach of the peace,
- c. whether the person has ties to the community reasonably sufficient to assure his appearance, or whether there is substantial likelihood that he will refuse to respond to the citation, and
- d. whether the person previously has failed to appear in response to a citation issued pursuant to this section or to other lawful process;

2. *Contents.* The citation and notice shall contain substantially the same information as the "Uniform Traffic Ticket and Complaint" sponsored by the American Bar Association Traffic Court Program, adopted in JTRT 2.01, and shall include:

- a. the name of the court and a space for the court's docket, case or file number,
- b. the name of the person, his address, date of birth, and sex,
- c. the date, time, place and description of the offense charged, the date on which the citation was issued, and the name of the citing officer,

d. the time and place at which the person is to appear in court which need not be a time certain, but may be within 72 hours or within a greater period of time not to exceed 15 days after the date of the citation,

e. a space for the person to sign a promise to appear;

3. *Release.* To secure his release, the person must give his written promise to appear in court as required by the citation and notice served;

4. *Certificate.* The citation and notice to appear shall contain a form of certificate by the citing official that he certifies, under penalties of perjury as provided by RCW 3.50.140 and any law amendatory thereof, that he has reasonable grounds to believe, and does believe, the person committed the offense contrary to law. The certificate need not be made before a magistrate or any other person. Such citation and notice when signed by the citing officer and filed with a court of competent jurisdiction shall be deemed a lawful complaint for the purpose of initiating prosecution of the offense charged therein;

5. *Additional information.* The citation and notice may also contain such identifying and additional information as may be necessary and appropriate for law enforcement agencies in the State. The rules of pleading, practice and procedure which shall govern civil proceeding in the Tukwila Municipal Court shall be as provided in the case of like actions in district courts or before justices of the peace in the county.

(Ord. 1085 §3, 1978; Ord. 735 §1, 1972;
Ord. 726 §8 (1), 1972)

2.68.085 Pleadings, Practice and Procedure

Pleadings, practice and procedure in cases not governed by statutes or rules specifically applicable to municipal courts shall, insofar as applicable, be governed by the statutes and rules now existing or hereafter adopted governing pleadings, practice and procedure applicable to district courts.

(Ord. 1324 §13, 1984)

2.68.090 Complaint – Swearing – Examination – Filing

The complaint shall be sworn to before the Municipal Court judge and shall be filed by him when, from his examination of the complainant and other witnesses, if any, he has reasonable grounds to believe that an offense of which he has jurisdiction has been committed and that the defendant committed it. No objection to a complaint on grounds that it was not signed or sworn to as herein required may be made after a plea to the merits has been entered.

(Ord. 726 §8 (2), 1972)

2.68.095 Complaints

All criminal prosecutions for the violation of a City ordinance shall be conducted in the name of the City and may be upon the complaint of any person.

(Ord. 1324 §12, 1984)

2.68.100 Complaint – Oath Requirement – Penalty

A. No oath shall be required when the complaint is made by a county or municipal prosecutor or City Attorney, and if it contains or be verified by a written declaration that it is made under the penalties of perjury.

B. Any other person who willfully certifies falsely to any matter set forth in any such complaint shall be guilty of a gross misdemeanor.

(Ord. 726 §8 (3), 1972)

2.68.110 Complaint – Amendments

The Court may permit a complaint to be amended at any time before judgment if no additional or different offense is charged, and if substantial rights of the defendant are not thereby prejudiced.

(Ord. 726 §8 (4), 1972)

2.68.115 Criminal Process

All criminal process issued by the Municipal Court shall be in the name of the State and run throughout the State, and be directed to and served by the Chief of Police, marshal, or other police officer of any city or to a sheriff in the State.

(Ord. 1324 §15, 1984)

2.68.120 Warrant – Issuance

If, from the examination of the complainant and other witnesses, if any, the Court has reasonable grounds to believe that an offense has been committed and that the defendant has committed it, a warrant shall issue for the arrest of the defendant.

(Ord. 726 §8 (5), 1972)

2.68.130 Warrant – Form and Contents

The warrant shall be in writing and in the name of the State, shall be signed by the Municipal Court judge with the title of his office, and shall state the date when issued and the municipality where issued. It shall specify the name of the defendant or, if his name is unknown, any name or description by which he can be identified with reasonable certainty. It shall describe the offense charged against the defendant. It shall command the defendant be arrested and brought before the Court at a stated place, without unnecessary delay, unless he deposits bail as stated in the warrant and is released for appearance in court on a date certain stated therein.

(Ord. 726 §8 (6), 1972)

2.68.140 Warrant – Execution – Procedure

The warrant shall be directed to all peace officers in the State and shall be executed only by a peace officer. It shall be executed by the arrest of the defendant and may be executed in any county or municipality of the State by any peace officer in the State. The officer need not have the warrant in his possession at the time of arrest, but in that case he shall then inform the defendant of the offense charged and of the fact that a warrant has been issued; and, upon request, shall show the warrant to the defendant as soon as possible.

(Ord. 726 §8 (7), 1972)

2.68.150 Warrant – Return – Unexecuted

The officer executing a warrant shall forthwith make return thereof to the court issuing it. Any unexecuted warrants shall be returned to the Municipal Court and may be cancelled by him. While a complaint is pending, a warrant returned and unexecuted and not cancelled, or a duplicate thereof, may be delivered by the Municipal Court to a peace officer for execution or service.

(Ord. 726 §8 (8), 1972)

2.68.160 Warrant – Arrest Procedure

An officer making an arrest under a warrant shall take the arrested person without unnecessary delay and, in any event, within 24 hours, exclusive of nonjudicial days, before the Municipal Court or admit him to bail as commanded in the warrant. Any person making an arrest without a warrant shall take the arrested person without unnecessary delay and, in any event, within 48 hours, exclusive of nonjudicial days, before the Municipal Court. When a person is arrested without a warrant and brought before the Municipal Court, a complaint shall be filed forthwith.

(Ord. 726 §8 (9), 1972)

2.68.170 Bail

The judge of the Municipal Court may accept money as bail for the appearance of persons charged with bailable offenses. The amount of bail or recognizance in each case shall be determined by the Court in its discretion and may, from time to time, be increased or decreased as circumstances may justify.

(Ord. 726 §8 (10), 1972)

2.68.180 Bail Bonds

A person required or permitted to give bail may execute a bond conditioned upon his appearance at all stages of the proceedings until final determination of the cause, unless otherwise ordered by the Court. One or more sureties may be required; cash may be accepted; and, in proper cases, no security need be required. Bail given on appeal shall be deposited with the clerk of the Court.

(Ord. 726 §8 (11), 1972)

2.68.190 Justification of Sureties – Bond Approval

Every surety, except an approved corporate surety, shall justify by affidavit and shall describe in the affidavit the property which he proposes to justify and the encumbrances thereon; the numbered amount of bonds and undertakings for bail entered into by him and remaining undischarged and all of his other liabilities; provided, that persons engaged in the bail bond business shall justify annually. No bond shall be approved unless the surety thereon shall be financially responsible. The Municipal Court judge shall approve all bonds.

(Ord. 726 §8 (12), 1972)

2.68.200 Arraignment – Defendant's Rights

When a person arrested either under a warrant or without a warrant is brought before the Court, he shall then be informed of the charge against him, advised of his constitutional rights, and he shall be arraigned then or within a reasonable time set by the Court. The arraignment shall be conducted in open court and shall consist of stating to him the substance of the charge and calling on him to plead thereto. The defendant shall be given a copy of the complaint if he requests the same. Defendants who are jointly charged may be arraigned separately or together in the discretion of the Court.

(Ord. 726 §8 (13), 1972)

2.68.210 Pleas

The defendant may plead guilty; not guilty; and a former conviction or acquittal of the offense charged, which may be pleaded with or without a plea of not guilty. The Court may refuse to accept a plea of guilty and shall not accept a plea without first determining that the plea is made voluntarily with understanding of the nature of the charge. If a defendant refuses to plead, or if the Court refuses to accept a plea of guilty, the Court shall enter a plea of not guilty. The Court may strike out a plea of guilty and enter a plea of not guilty, if it deems such action necessary in the interest of justice.

(Ord. 726 §8 (14), 1972)

2.68.220 Continuances

The Municipal Court may, in its discretion, grant continuances for good cause shown. If a continuance is granted, the cost thereof shall abide the event of the prosecution in all cases. If a continuance is granted, the Court may recognize the defendant and the witnesses to appear from time to time, in the same manner as is provided in other criminal examinations.

(Ord. 726 §8 (15), 1972)

2.68.230 Sentence – Decision

A. If the complaint is for a crime within the jurisdiction of the Court, and the defendant pleads guilty, the Court shall sentence him upon a proper showing of a prima facie case against him.

B. If the defendant pleads not guilty or pleads a former conviction or acquittal of the offense charged, the Court shall hear and determine the cause, and either acquit or convict and punish.

(Ord. 726 §8 (16), 1972)

2.68.240 Civil Jury Trials

In all civil cases, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the State who shall be impaneled and sworn as in cases before district courts, or the trial may be by a judge of the Municipal Court; provided, that no jury trial may be held on a proceeding involving a traffic infraction. A party requesting a jury shall pay to the Court a fee which shall be the same as that for a jury in district court. If more than one party requests a jury, only one jury fee shall be collected by the Court. The fee shall be apportioned among the requesting parties. Each juror shall receive \$10.00 for each day in attendance upon the Municipal Court, and in addition thereto shall receive mileage at the rate determined under RCW 43.03.060.

(Ord. 1324 §17, 1984)

2.68.250 Sentence – Delay Prohibited – New Bail

Sentence shall be imposed by the Court without unreasonable delay. Pending sentence, the Court may commit the defendant or may allow the defendant to post bail anew.

(Ord. 726 §8 (18), 1972)

2.68.270 Conviction of Corporation

If a corporation is convicted of any offense, the Court may give judgment thereon and may cause the judgment to be enforced in the same manner as a judgment in a civil action.

(Ord. 726 §8 (20), 1972)

2.68.310 Clerical Mistakes, Errors – Correction

A. Clerical mistakes in judgments, orders or other parts of the record, and errors in the record arising from oversight or omission may be corrected by the Court at any time and after such notice, if any, as the Court may order.

B. If an appeal has been taken, such mistakes may be so corrected until the record has been filed in the appellate court and thereafter, while the appeal is pending, may be so corrected with leave of the appellate court.

(Ord. 726 §8 (24), 1972)

2.68.320 Trial – Presence of Defendant and Counsel

The defendant shall be present in person or by counsel at the arraignment and shall be present at every later stage of the trial. A corporation may appear by counsel for all purposes.

(Ord. 726 §8 (25), 1972)

2.68.360 Appeal Bond – Disposition of Bail

A. The appellant shall be committed to the City jail until he shall recognize or give bond to the City in such reasonable sum with such sureties as the Municipal Court may require that he will diligently prosecute the appeal and that, within ten days after he has received notice from the Municipal Court judge or his clerk that the judgment in the lower court has been filed with the clerk of the superior court, together with the transcript duly certified by the lower court judge containing a copy of all records and proceedings in the lower court, he will cause the case to be set for trial at the earliest open date; that he will appear at the court appealed to and comply with any sentence of the superior court; and will, if the appeal is dismissed for any reason, comply with the sentence of the lower court.

B. Whenever the transcript is filed in the superior court and any cash bail or bail bond has been filed with the lower court, the judge thereof shall transfer the same to the superior court, there to be held pending disposition of the appeal; and shall also deliver to the court any exhibits introduced into evidence in the trial before the lower court, which exhibits, subject to the proper rulings of the appellate court, may be offered in evidence if the trial is had in the superior court; otherwise, to be returned to the custody of the lower court.

(Ord. 726 §8 (29), 1972)

2.68.370 Appeal to Superior Court – Record on Review – Appeal to Supreme Court

In the superior court, the contents of the record on appeal and the procedures governing the transmittal and copying of this record shall be in accordance with Title 6 of the Washington State Supreme Court Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ), and with any amendments or additions to said Rules. Appeals shall lie to the Supreme Court or the Court of Appeals of the State of Washington as in other criminal cases in the superior court.

(Ord. 1288, 1983; Ord. 726 §8 (30), 1972)

2.68.380 Superior Court Judgment Notice

Upon conclusion of the case in the superior court, the clerk thereof shall forthwith mail a true and correct copy of the judgment to the Municipal Court appealed from.

(Ord. 726 §8 (31), 1972)

2.68.390 Traffic Cases – Complaint and Citation

A. In traffic cases the complaint and citation shall be substantially in the form known as the "Uniform Traffic Ticket and Complaint" sponsored by the American Bar Association Traffic Court Program. The uniform traffic ticket and complaint shall consist of at least four parts. Additional parts may be inserted by law enforcement agencies for administrative use. Except when electronic data processing equipment is being used, the required parts, which must be the original, the first, the second, and the last carbon respectively, are:

1. The complaint, printed on white paper;

2. The abstract of court record for the State licensing authority, which shall be a copy of the complaint, printed on yellow paper;

3. The traffic citation, printed on green paper; and

4. The police record, which shall be a copy of the complaint, printed on pink paper.

B. In the case of law enforcement agencies utilizing electronic data processing equipment, or desiring to use such format, the required parts, which must be the original, the first, the second, and the last carbon respectively, are:

1. The abstract of court record for the State licensing authority, which shall be identical to the complaint and printed on yellow paper;

2. The traffic citation, printed on green paper;

3. The police record, which shall be identical to the complaint and printed on pink paper; and

4. The complaint, printed on a white card.

C. Each of the parts shall contain the following information or blanks in which such information shall be entered:

1. The name of the court and space for the court's docket, case or file number;

2. The name of the person cited, his address, date of birth, sex, operator's license number, his vehicle's make, year, type, license number and state in which licensed;

3. The offense of which he is charged, the date, the time and place at which the offense occurred, the date on which the citation was issued, and the name of the citing officer. Several offenses may be cited on one ticket;

4. In all cases where the person is not arrested, the time and place at which the person cited is to appear in court or the traffic violations bureau need not be to a time certain but may be within 72 hours or within a greater period of time not to exceed 15 days after the date of the citation;

5. A space for the person cited to sign a promise to appear; and

6. A space for the entry of bail in accordance with the established bail schedule.

D. Each of the parts may also contain such identifying and additional information as may be necessary or appropriate for law enforcement agencies in the State.

E. Complaint:

1. Complaint – Officers. The complaint shall contain a form of certificate by the citing official to the effect that he certifies, under penalties of perjury, as provided by RCW 3.50.140, and any law amendatory thereof, he has reasonable grounds to believe, and does believe, the person cited committed the offense(s) contrary to law. The certificate need not be made before a magistrate or any other person. Such complaint when signed by the citing officer and filed with a court, or traffic violations bureau of competent jurisdiction, shall be deemed a lawful complaint for the purpose of prosecuting the traffic offenses charged therein.

2. Complaint by others. When a person other than a police officer wishes to make a traffic violation charge, he shall do so by filling out and signing a complaint as set forth in TMC 2.68.080 and 2.68.090.

(Ord. 726 §8 (32), 1972)

2.68.400 Case Transfers

A transfer of a case from the Municipal Court to either another municipal judge of the same City or to a judge pro tempore appointed in the manner prescribed by this chapter shall be allowed in accordance with RCW 3.66.090 in all civil and criminal proceedings.

(Ord. 1324 §14, 1984)

2.68.420 Judges – Bonds

Pursuant to RCW 35.24.450, the amount of the bonds for the municipal judge and judges pro tem is set in the amount of \$1,000.00.

(Ord. 726 §11, 1972)

2.68.470 Savings

The enactments of this chapter shall not affect any case, proceeding, appeal or other matter pending in the Tukwila Municipal Court, or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of Ordinance No. 1324 and RCW 3.50 as amended by Chapter 258, Laws of 1984.

(Ord. 1324 §19, 1984)

CHAPTER 2.70
PUBLIC DEFENSE

Sections:

- 2.70.010 Purpose and Intent
- 2.70.020 Definitions
- 2.70.030 Public Defender Appointment
- 2.70.040 Public Defender – Statement for Services
- 2.70.050 Public Defense Standards

2.70.010 Purpose and Intent

The purpose of this chapter is to ensure that indigent criminal defendants receive high-quality legal representation through a public defense system that efficiently and effectively protects the constitutional requirement of effective assistance of counsel.

(Ord. 2410 §2, 2013)

2.70.020 Definitions

As used in this chapter, the following terms shall have the meanings set forth in this section:

1. **“Attorney.”** The term “attorney” shall mean an attorney under contract with the City of Tukwila for the provision of indigent defense services, and shall also mean the law firm for which the attorney works. Therefore, these standards shall also apply to law firms who are under contract with the City for the provision of indigent defense services.

2. **“Defendant.”** The term “defendant” shall mean a person who has been charged with a misdemeanor offense in the Tukwila Municipal Court, and who is represented by an attorney as the term “attorney” is defined in TMC Section 2.70.020.

(Ord. 2410 §3, 2013)

2.70.030 Public Defender Appointment

The judge of the Municipal Court of the City is authorized to appoint, on a case-to-case basis as may be required, an attorney licensed to practice before the courts of the State of Washington to act as public defender in representing indigent persons charged with offenses tryable in the Municipal Court and cases appealed therefrom.

(Ord. 2410 §4, 2013)

2.70.040 Public Defender – Statement for Services

The attorney appointed to act as public defender shall present his statement for services to the City, and the same shall be paid in the same manner as the other obligations of the City.

(Ord. 2410 §5, 2013)

2.70.050 Public Defense Standards

The following Public Defense Standards are hereby adopted:

Standard 1: Compensation. The charges submitted by the public defender and approved by the City Council shall be paid from the current fund. The City’s contracts for public defense services should provide for compensation at a rate commensurate with the attorney’s training and experience. To attract and retain qualified personnel, compensation and benefit levels should be comparable to those of attorneys and staff in prosecutorial offices in the South King County region. Assigned counsel should be compensated for out-of-pocket expenses. Contracts shall provide for additional compensation for jury trials and appeals. Attorneys who have a conflict of interest shall not have to compensate the new, substituted attorney out of their own funds.

Standard 2: Duties and Responsibilities of Counsel. Attorneys shall provide services in a professional and skilled manner consistent with the minimum standards of the Washington State Bar Association, Washington’s Rules of Professional Conduct, applicable case law, the Constitutions of the United States and the State of Washington, and the court rules that define the duties of counsel and the rights of defendants. At all times during the representation of a defendant, the attorney’s primary responsibility shall be to protect the interests of the defendant.

Standard 3: Caseload Limits, Types of Cases, and Limitations on Private Practice. Attorneys shall maintain a caseload such that he or she can provide each and every defendant effective assistance of counsel as guaranteed by these standards. The attorney shall be mindful of the number of open cases for which he or she is counsel of record, the type or complexity of those cases and any prospective cases, his or her experience, the manner in which the jurisdiction processes cases, and any private practice in which he or she is engaged. When contracting with an attorney, the City may, if appropriate, limit the number of cases an attorney may handle. Such limitation may be based upon the experience of the attorney, the training the attorney has received, the complexity of the cases being assigned the attorney, defense services the attorney may provide to other municipalities, the scope and extent of the attorney’s private practice, justified complaints that may have been made against the attorney, and any other relevant factors.

Standard 4: Responsibility for Expert Witness Services. The City’s contracts for public defense services should provide reasonable compensation for expert witnesses when necessary. Expert witness fees should be maintained and allocated from funds separate from those provided for defender services. Requests for expert witness fees should be made through an ex parte motion. The defense should be free to retain the expert of its choosing and in no cases should be forced to select experts from a list pre-approved by either the court or the prosecution.

Standard 5: Administrative Expenses and Support Services. The City's contracts for public defense services should provide for or include administrative costs associated with providing legal representation. These costs should include but are not limited to travel, telephones, law library including electronic legal research, financial accounting, case management systems, computers and software, office space and supplies, training, meeting the reporting requirements imposed by these standards, and other costs necessarily incurred in the day-to-day management of the contract. Public defense attorneys shall have an office that accommodates confidential meetings with clients and receipt of mail, and adequate telephone services to ensure prompt response to client contact.

Standard 6: Investigators. Public defense attorneys shall use investigation services as appropriate and shall employ investigators with investigation training and experience. A minimum of one investigator should be employed for every four attorneys. The City's contracts for public defense services shall provide reasonable compensation for investigation services when necessary.

Standard 7: Support Services. Public defense attorneys shall have adequate access to support staff and services. At least one full-time legal assistant should be employed for every four attorneys. Fewer legal assistants may be necessary, however, if the agency or attorney has access to word processing staff or other additional staff performing clerical work. Public defenders should have a combination of technology and personnel that will meet their needs. Social work staff should be available to assist in developing release, treatment, and dispositional alternatives. Each agency or attorney should have access to mental health professionals to perform mental health evaluations. Investigation staff should be available as provided in Standard 6 at a ratio of one investigator for every four attorneys. Each agency or attorney providing public defense services should have access to adequate and competent interpreters to facilitate communication with non-English speaking and hearing-impaired clients for attorneys, investigators, social workers, and administrative staff.

Standard 8: Reports of Attorney Activity. Attorneys shall maintain a case reporting and case management information system, which includes number and type of cases, attorney hours and disposition. This information shall be provided to the City upon request and shall also be made available to the Office of the Administrator of the Courts. Any such system shall be maintained independently from client files so as to disclose no privileged information. A standardized voucher form should be used by those attorneys seeking payment upon completion of a case. For attorneys under contract, payment should be made monthly, or at times agreed to by the parties, without regard to the number of cases closed in the period.

Standard 9: Training. The City's contracts for public defense services shall require that attorneys participate in regular training programs on criminal defense law, including a minimum of seven hours of continuing legal education annually in areas relating to their public defense practice. In offices of more than seven attorneys, an orientation and training program for new attorneys and legal interns should be held to inform them of office procedure and policy. All attorneys should be required to attend regular training programs on developments in criminal law, criminal procedure and the forensic sciences. Attorneys in civil commitment and dependency practices should attend training programs in these areas. Offices should also develop manuals to inform new attorneys of the rules and procedures of the courts within their jurisdiction. Every attorney providing counsel to indigent accused should have the opportunity to attend courses that foster trial advocacy skills and to review professional publications and other media.

Standard 10: Supervision. Each firm providing public defense services to the City should provide one full-time supervisor for every ten staff lawyers or one half-time supervisor for every five lawyers. Supervisors should be chosen from among those lawyers in the office qualified under these guidelines to try Class A felonies. Supervisors should serve on a rotating basis, and except when supervising fewer than ten lawyers, should not carry caseloads.

Standard 11: Monitoring and Evaluation of Attorneys. Attorneys will establish a procedure for systematic monitoring and evaluation of attorney performance based upon publicized criteria. Supervision and evaluation efforts should include review of time and caseload records, review and inspection of transcripts, in-court observations, and periodic conferences. Performance evaluations made by a supervising attorney should be supplemented by comments from judges, prosecutors, other defense lawyers and clients. Attorneys should be evaluated on their skill and effectiveness as criminal lawyers or as dependency or civil commitment advocates.

Standard 12: Substitution of Counsel and Assignment of Contracts. Attorneys should remain directly involved in the provision of representation and shall not sub-contract with another firm or attorney to provide representation without first obtaining the express written permission of the City. If the contract is with a firm or office, the City should request the names and experience levels of those attorneys who will actually be providing the services to ensure they meet minimum qualifications. The employment agreement shall address the procedures for continuing representation of clients upon the conclusion of the agreement. Alternate or conflict counsel shall be available for substitution in conflict situations at no cost to the counsel declaring the conflict.

Standard 13: Limitation on Private Practice. Private attorneys who provide public defense representation shall set limits on the amount of privately retained work which can be accepted. These limits shall be based on the percentage of a full-time caseload which the public defense cases represent.

Standard 14: Qualifications of Attorneys. Attorneys providing defense services shall meet the following minimum professional qualifications:

A. Satisfy the minimum requirements for practicing law in Washington as determined by the Washington Supreme Court; and

B. Be familiar with the statutes, court rules, constitutional provisions, and case law relevant to their practice area; and

C. Be familiar with the Washington Rules of Professional Conduct; and

D. Be familiar with the Performance Guidelines for Criminal Defense Representation approved by the Washington State Bar Association; and

E. Be familiar with the consequences of a conviction or adjudication, including possible immigration consequences and the possibility of civil commitment proceedings based on a criminal conviction; and

F. Be familiar with mental health issues and be able to identify the need to obtain expert services; and

G. Complete seven hours of continuing legal education within each calendar year in courses relating to their public defense practice.

H. Each attorney who is counsel alone for a case on appeal to the Superior Court from the Tukwila Municipal Court should have had significant training or experience in either criminal appeals, criminal motions practice, extensive trial level briefing, clerking for an appellate judge, or assisting a more experienced attorney in preparing and arguing an RALJ (Rules for Appeal of Decisions of Courts of Limited Jurisdiction) appeal.

I. Each attorney who is counsel for a case on appeal to the Washington Supreme Court or to the Washington Court of Appeals shall:

1. Have filed a brief with the Washington Supreme Court or any Washington Court of Appeals in at least one criminal case within the past two years; or

2. Have equivalent appellate experience, including filing appellate briefs in other jurisdictions, at least one year as an appellate court or federal court clerk, extensive trial level briefing or other comparable work.

Standard 15: Disposition of Client Complaints. Attorneys shall have a method to respond promptly to client complaints. Complaints should first be directed to the attorney, firm or agency that provided representation. If the client feels that he or she has not received an adequate response, they can contact the City Administrator and/or his/her designee to evaluate the legitimacy of complaints and to follow up on

meritorious ones. The complaining client should be informed as to the disposition of his or her complaint in writing.

Standard 16: Cause for Termination of Defender Services and Removal of Attorney. The City's contracts for indigent defense services shall include the grounds for termination of the contract by the parties. Termination of a contract should only be for good cause. Termination for good cause shall include the failure of the attorney to render adequate representation to clients; the willful disregard of the rights and best interests of the client; and the willful disregard of the standards herein addressed. Removal by the court of counsel from representation normally should not occur over the objection of the attorney and the client.

Standard 17: Non-Discrimination. Neither the City, in its selection of an attorney, firm or agency to provide public defense representation, nor the attorneys selected, in their hiring practices or in their representation of clients, shall discriminate on the grounds of race, color, religion, national origin, age, marital status, gender, sexual orientation or disability. Both the City and the contractor shall comply with all federal, state, and local non-discrimination requirements.

Standard 18: Guidelines for Awarding Public Defender Contracts. The City shall award contracts for public defense services only after determining that the attorney or firm chosen can meet accepted professional standards. Under no circumstances should a contract be awarded on the basis of cost alone. Attorneys or firms bidding for contracts must demonstrate their ability to meet these standards. Contracts should only be awarded to:

1. Attorneys who have at least one year's criminal trial experience in the jurisdiction covered by the contract (i.e., City and District Courts, Superior Court or Juvenile Court), or

2. A firm where at least one attorney has one year's trial experience.

City attorneys, county prosecutors, and law enforcement officers should not select the attorneys who will provide indigent defense services.

(Ord. 2450 §1, 2014; Ord. 2410 §6, 2013)

Standard 5: Administrative Expenses and Support Services. The City's contracts for public defense services should provide for or include administrative costs associated with providing legal representation. These costs should include but are not limited to travel, telephones, law library including electronic legal research, financial accounting, case management systems, computers and software, office space and supplies, training, meeting the reporting requirements imposed by these standards, and other costs necessarily incurred in the day-to-day management of the contract. Public defense attorneys shall have an office that accommodates confidential meetings with clients and receipt of mail, and adequate telephone services to ensure prompt response to client contact.

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D. Be familiar with the Performance Guidelines for Criminal Defense Representation approved by the Washington State Bar Association; and

E. Be familiar with the consequences of a conviction or adjudication, including possible immigration consequences and the possibility of civil commitment proceedings based on a criminal conviction; and

F. Be familiar with mental health issues and be able to identify the need to obtain expert services; and

G. Complete seven hours of continuing legal education within each calendar year in courses relating to their public defense practice.

H. Each attorney who is counsel alone for a case on appeal to the Superior Court from the Tukwila Municipal Court should have had significant training or experience in either criminal appeals, criminal motions practice, extensive trial level briefing, clerking for an appellate judge, or assisting a more experienced attorney in preparing and arguing an RALJ (Rules for Appeal of Decisions of Courts of Limited Jurisdiction) appeal.

I. Each attorney who is counsel for a case on appeal to the Washington Supreme Court or to the Washington Court of Appeals shall:

1. Have filed a brief with the Washington Supreme Court or any Washington Court of Appeals in at least one criminal case within the past two years; or

2. Have equivalent appellate experience, including filing appellate briefs in other jurisdictions, at least one year as an appellate court or federal court clerk, extensive trial level briefing or other comparable work.

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meritorious ones. The complaining client should be informed as to the disposition of his or her complaint in writing.

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1. Attorneys who have at least one year's criminal trial experience in the jurisdiction covered by the contract (i.e., City and District Courts, Superior Court or Juvenile Court), or

2. A firm where at least one attorney has one year's trial experience.

City attorneys, county prosecutors, and law enforcement officers should not select the attorneys who will provide indigent defense services.

(Ord. 2450 §1, 2014; Ord. 2410 §6, 2013)

CHAPTER 2.76
HEARING EXAMINER**Sections:**

- 2.76.010 Office of the Hearing Examiner Established
 - 2.76.020 Powers and Duties – Designated
 - 2.76.030 Action Final
-

**2.76.010 Office of the Hearing Examiner
Established**

The Office of the Hearing Examiner is hereby created, and "Hearing Examiner" shall mean any person appointed by the Mayor, and approved by the City Council, for the purpose of presiding over appeals and other matters as enumerated below.

(Ord. 1796 §2 (part), 1997)

2.76.020 Powers and Duties – Designated

The Hearing Examiner shall have the powers and duties assigned to that office by ordinance. In deciding any of the matters assigned to the Hearing Examiner, the Hearing Examiner shall issue a written report citing the facts and reasons that support the decision.

(Ord. 1796 §2 (part), 1997)

2.76.030 Action Final

The action of the Hearing Examiner shall be final and conclusive unless, within ten days from the date of action, the original applicant or an adverse party files a petition to the superior court.

(Ord. 1796 §2 (part), 1997)

CHAPTER 2.80
PLANNING DEPARTMENT**Sections:**

- 2.80.010 Office Created
 - 2.80.020 Positions and Compensation
-

2.80.010 Office Created

The Planning Department is created and shall be under the supervision of the Planning Director who shall report directly to the Mayor. The Director shall be appointed by the Mayor, subject to confirmation by a majority of the members of the City Council. The Planning Department shall be responsible for:

1. Administrative enforcement and public information involving land use and related matters;
2. Development and recommendations for ensuring compliance with State, federal laws relating to the environment, shoreline management and EIS requirements;
3. Serve in an advisory capacity to boards and commissions of the City;
4. The Building Division is transferred to the Planning Department and shall be under the supervision of the Planning Director. The building official shall be responsible for:
 - a. Field enforcement and public information involving building and related codes,
 - b. Services to various boards and commissions in an advisory capacity.

(Ord. 1209 §1, 1981; Ord. 1198 §2, 1980)

2.80.020 Positions and Compensation

The City Council will authorize the necessary positions and appropriate compensation within the Department through establishment of annual budgetary ordinances.

(Ord. 1198 §4 (part), 1980)

CHAPTER 2.84
DEPARTMENT OF FINANCE

Sections:

2.84.010	Department Created
2.84.020	Duties
2.84.025	Designation of Official to Declare Official Intent
2.84.030	Oath and Bond
2.84.040	Compensation

2.84.010 Department Created

There is created the Department of Finance of the City of Tukwila, which shall be responsible for general supervision over the financial affairs of the City.

(Ord. 1009 §5, 1977)

2.84.020 Duties

A. The functions of the Department shall be executed under the supervision and control of a Director of Finance. The Director shall be appointed for an indefinite term by the Mayor, subject to confirmation by a majority of the members of the City Council. The Director shall serve at the pleasure of the Mayor.

B. The Director of Finance shall be the chief financial officer of the City. He shall perform all of the duties of the City Treasurer as set forth in RCW 35A.42.010 beginning at such time as the term of office of the current elected treasurer ends. The Director of Finance shall also perform such duties of the City Clerk which, in the opinion of the Mayor, are solely and directly related to the City's financial affairs.

C. The Director of Finance shall be designated City Treasurer to perform in such capacity whenever the laws of the State or the ordinances of the City make reference to such position. The Director may appoint a subordinate employee from the Department of Finance to assist in the performance of the duties of City Treasurer.

D. If the Director is appointed and confirmed prior to the time that the term of office of the current elected treasurer ends in January, 1978, the Director of Finance shall perform such duties related to the financial affairs of the City which are not specifically delegated by law to the City Treasurer and to the City Clerk.

E. In all cases where the fiscal affairs of the City are not expressly or otherwise charged by the laws of the State to another department or office, the Director of Finance shall have control and supervision over such fiscal affairs and shall act to promote, secure and preserve the financial interests of the City.

F. The Finance Director shall serve as the chief financial and accounting advisor to the Mayor and City Council, and shall advise the Mayor and City Council of the plans, functions and needs of the Department of Finance.

G. The Finance Director shall be responsible for all financial and accounting matters in divisions of the Department of Finance of the City and for the administration of all Department of Finance matters.

(Ord. 1009 §6, 1977)

2.84.025 Designation of Official to Declare Official Intent

The Finance Director of the City is designated to make declarations of official intent, substantially in the form attached to Ordinance 1818 as Exhibit A or in such other form as shall be prescribed by Treasury Regulation Section 1.103-18, on behalf of the City as may be necessary or appropriate from time to time for any purpose under, and in compliance with, the requirements of the federal reimbursement regulations.

(Ord. 1818 §1, 1997)

2.84.030 Oath and Bond

Before entering upon the performance of his duties, the Director of Finance shall take an oath or affirmation for the faithful performance of his duties, and shall furnish an official bond in the amount of \$5,000.00.

(Ord. 1009 §7, 1977)

2.84.040 Compensation

The Director of Finance shall receive such salary and in such amounts as the City Council may from time to time establish by ordinance and as fixed by the City's annual budget.

(Ord. 1009 §8, 1977)

CHAPTER 2.88

PARKS AND RECREATION DEPARTMENT

Sections:

2.88.010 Office Created

2.88.020 Positions and Compensation

2.88.010 Office Created

The Parks and Recreation Department is created and shall be under the supervision of the Parks and Recreation Director who shall report directly to the Mayor. The Director shall be appointed by the Mayor, subject to confirmation by a majority of the members of the City Council. The Recreation Department shall be responsible for:

1. Development and implementation of a comprehensive parks and recreation program to meet community needs;
2. Drafting of long range parks acquisitions and development programs;
3. Serve as an advisory to the Park Commission and various ad hoc advisory committees;
4. Exercising general supervision over the maintenance of the municipal parks and golf course(s).

*(Ord. 1494 §2, 1988; Ord. 1209 §2, 1981;
Ord. 1198 §3, 1980)*

2.88.020 Positions and Compensation

The City Council will authorize the necessary positions and appropriate compensation within the Department through establishment of annual budgetary ordinances.

(Ord. 1198 §4 (part), 1980)

CHAPTER 2.92
HAZARDOUS MATERIALS INCIDENT
COMMAND AGENCY

Sections:

- 2.92.010 Fire Department Designated as Agency
- 2.92.020 Fire Chief Authorized to Seek Assistance
- 2.92.030 Form of Written Agreements
- 2.92.040 Emergency Assistance Agreement – Notification of Terms

2.92.010 Fire Department Designated as Agency

The governing body of the City designates the Tukwila Fire Department as the hazardous materials incident command agency for all hazardous materials incidents within the corporate limits of the City.

(Ord. 1276 §1, 1982)

2.92.020 Fire Chief Authorized to Seek Assistance

The Fire Chief is authorized, subject to the approval of the Mayor and subject to the provisions of TMC 2.92.030, to enter into written agreements with persons, agencies, and/or corporations who may provide assistance with respect to a hazardous materials incident. In accordance with the provisions of RCW 4.24, such persons, agencies, and/or corporations are not liable for civil damages resulting from any act or omission in the rendering of such care, assistance, or device, other than acts or omissions constituting gross negligence or willful or wanton misconduct, provided:

1. Prior to the incident, the Tukwila Fire Department and the person whose assistance is requested have entered into a written hazardous materials assistance agreement which complies substantially with the form that is specified in TMC 2.92.030; and

2. The request for assistance comes from the Tukwila Fire Department.

(Ord. 1276 §2, 1982)

2.92.030 Form of Written Agreements

The written agreements referred to in TMC 2.92.020 shall be in substantially the following form:

HAZARDOUS MATERIALS EMERGENCY
ASSISTANCE AGREEMENT

This Agreement is made this ___ day of ___, 19____, between the Tukwila Fire Department, the designated Hazardous Materials Incident Command Agency for the City of Tukwila and _____

WHEREAS, the Tukwila Fire Department is authorized, pursuant to Chapter 4.24 RCW, to enter into agreements with persons, agencies, and/or corporations who may provide assistance with respect to a hazardous materials incident; and

WHEREAS, Chapter 4.24 RCW provides in part:

"Any person who, in good faith, renders emergency care, assistance or advice with respect to a hazardous materials incident is not liable for civil damages resulting from any act or omission in the rendering of such care, assistance or advice other than acts or omissions constituting gross negligence or willful or wanton misconduct."

IT IS THEREFORE AGREED:

1. _____ shall be designated as a person requested to assist with respect to a hazardous materials incident.

2. The person requested to assist shall not be obligated to assist.

3. The person requested to assist may act only under the direction of the Fire Chief or his representatives.

4. The person requested to assist may withdraw his assistance if he deems the actions or directions of the Fire Chief to be contrary to accepted hazardous materials response practices.

5. The person requested to assist shall not profit from rendering the assistance.

6. The person requested to assist shall not be a public employee acting in his official capacity within the City of Tukwila.

7. The liability standard defined above, as provided in RCW Chapter 4.24, shall not apply to a person responsible for causing the hazardous materials incident.

8. It is the responsibility of both parties to ensure that mutually agreeable procedures are established for identifying the designated incident command agency when assistance is requested, for recording the name of the person whose assistance is requested, and the time and date of the request. Such records shall be retained for three years by the Tukwila Fire Department.

9. A copy of the official incident command agency designation shall be a part of this assistance agreement.

Fire Chief, City of Tukwila

Person Requested to Assist

(Ord. 1276 §3, 1982)

**2.92.040 Emergency Assistance Agreement –
Notification of Terms**

A. The Chief of the Fire Department or his representative may enter into verbal hazardous materials emergency assistance agreement at the scene of an incident where execution of a written agreement prior to the incident is not possible. A notification of the terms of this section shall be presented at the scene by the incident commander or his representative to the person whose assistance is requested. The incident commander and the person whose assistance is requested shall both sign the notification which appears in TMC 2.92.040.B, indicating the date and time of signature.

B. The notification required by TMC 2.92.040.A shall be as follows:

NOTIFICATION OF "GOOD SAMARITAN" LAW

You have been requested to provide emergency assistance by a representative of a designated hazardous materials incident command agency. To encourage your assistance, the Washington State Legislature has passed "Good Samaritan" legislation (Chapter 4.24 RCW, part) to protect you from potential liability. The law reads, in part:

"Any person who, in good faith, renders emergency care, assistance or advice with respect to a hazardous materials incident is not liable for civil damages resulting from any act or omission in the rendering of such care, assistance or advice other than acts or omissions constituting gross negligence or willful or wanton misconduct."

The law requests that you be advised of certain conditions to ensure your protection.

1. You are not obligated to assist and you may withdraw your assistance at any time.
2. You cannot profit from assisting.
3. You must agree to act under the direction of the incident commander.
4. You are not covered by this law if you caused the initial accident or if you are a public employee doing your official duty.

I have read and understand the above.

Name _____

Date _____ Time _____

I am a representative of a designated hazardous materials incident command agency and I am authorized to make this request for assistance.

Name _____

Date _____ Time _____

(Ord. 1276 §4, 1982)

CHAPTER 2.94
POLITICAL ACTIVITIES OF
CITY EMPLOYEES

Sections:

- 2.94.010 Prohibited Activities
 - 2.94.020 Permitted Political Activities
 - 2.94.030 Penalty
-

2.94.010 Prohibited Activities

A. No City officer or employee shall use City time, City property or his/her position or title as a City employee to promote any political issue or candidate, to solicit funds for any political purpose or to influence the outcome of any election during working hours.

B. City officers or employees shall not campaign for candidates or issues while in any City vehicles, or when in a uniform which identifies them as a City employee, or using City facilities including but not limited to such things as copy machines, paper supplies, typewriters, computers and other office equipment.

C. No City officer or employee shall coerce or intimidate any City employee to contribute to or not to contribute to, or to promote or oppose any political cause or candidate.

D. No City officer or employee shall perform or refrain from performing their normal job duties in order to obtain a benefit for political purposes.

(Ord. 1440 §1, 1987).

2.94.020 Permitted Political Activities

Employees shall have the right to vote and to express their opinions on all political subjects and candidates and to hold any political party office which would not be incompatible with or interfere with the discharge of their official duties. Employees may also participate in the management of a partisan, political campaign as long as it does not interfere with their job or use City property or facilities except as they are available to any member of the general public.

(Ord. 1440 §2, 1987).

2.94.030 Penalty

Violation of TMC Chapter 2.94 shall not be a criminal offense. Any officer or employee who violates this ordinance shall, however, be subject to discipline, including possible termination.

(Ord. 1440 §3, 1987)

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CHAPTER 2.95

CODE OF ETHICS FOR EMPLOYEES AND APPOINTED OFFICIALS

Sections:

- 2.95.010 Purpose
- 2.95.020 Definitions
- 2.95.030 Prohibited Conduct
- 2.95.040 Complaint Process
- 2.95.050 Penalties for Noncompliance
- 2.95.060 Where to Seek Review

2.95.010 Purpose

A. It is the policy of the City of Tukwila to uphold, promote and demand the highest standard of ethics from all of its employees and appointed officials. City officers and employees shall maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties; they shall avoid any improprieties in their roles as public servants and they shall never use their City positions or powers for improper personal gain.

B. It is the intention of the City Council that TMC Chapter 2.95 be liberally interpreted to accomplish its purpose of protecting the public against decisions that are affected by undue influence, conflicts of interest, or any other violation of this Code of Ethics. In interpreting TMC Chapter 2.95, City officers and employees should be guided by common sense and practicality. This Code of Ethics is supplemental to Washington State law, RCW 42.23.

(Ord. 2448 §2, 2014; Ord. 2127 §1, 2006;
Ord. 2068 §1 (part), 2004).

2.95.020 Definitions

As used in TMC Chapter 2.95, these words shall have the following meanings, unless the context clearly indicates otherwise:

1. *"Business"* means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, consultant, holding company, joint stock company, receivership, trust, or any legal entity organized for profit.
2. *"City officer or employee"* means every individual appointed, hired, or otherwise selected to an office or position with the City, or any subdivision thereof, whether such individual is paid or unpaid.
3. *"Compensation"* means payment in any form, for real or personal property or services of any kind.
4. *"Gift"* means a voluntary transfer of real or personal property of any kind, or the voluntary rendition of services of any kind, without consideration of equal or greater value, but not including any reasonable hosting, including travel, entertainment, meal, or refreshment expenses incurred in connection with appearances, ceremonies, and occasions

reasonably related to official City business, where otherwise permitted by law.

5. *"Hearing Examiner"* shall mean the duly appointed and qualified Hearing Examiner for the City of Tukwila, or his/her designee.

6. *"Immediate family"* shall mean spouses, dependents, anyone residing in the person's household, and anyone within three generations by blood or marriage of the person or the person's spouse (e.g., within three degrees of relationship by blood or marriage).

7. *"Person"* means any individual, corporation, business or other entity, however constituted, organized or designated.

(Ord. 2448 §3, 2014; Ord. 2068 §1 (part), 2004).

2.95.030 Prohibited Conduct

The following shall constitute violations of this Code of Ethics:

1. **General Prohibition Against Conflicts of Interest.** In order to avoid becoming involved or implicated in a conflict of interest or impropriety, no current City officer or employee should be involved in any activity that might be seen as conflicting with the conduct of official City business.

2. **Beneficial Interests in Contracts Prohibited.** No City officer or employee shall participate in his/her capacity as a City officer or employee in the making of a contract in which she/he has a financial interest, direct or indirect. This shall include any contract for sale, lease or purchase, with or for the use of the City, or the acceptance directly or indirectly of any compensation, gratuity or reward from any other person beneficially interested therein. Except, that this prohibition shall not apply where the City officer or employee has only a remote interest in the contract, and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract, and thereafter the governing body authorizes, approves or ratifies the contract in good faith, by a vote of its membership sufficient for the purpose without counting the vote(s) of the officer(s) having the remote interest. For purposes of TMC Chapter 2.95, a "remote interest" means:

- a. That of a non-salaried officer of a nonprofit corporation;
- b. That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;
- c. That of a landlord or tenant of a contracting party; or
- d. That of a holder of less than one percent of the shares of a corporation, a limited liability company, or other entity, which is a contracting party.

3. **Beneficial Influence in Contract Selection Prohibited.** No City officer or employee shall influence the City's selection of, or its conduct of business with, a corporation, person or firm having or proposing to do business with the City, if the City officer or employee has a financial

interest in or with the corporation, person or firm, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract.

4. Representation of Private Person at City Proceeding Prohibited. No City officer or employee shall appear on behalf of a private person, other than him/herself or an immediate family member, or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the City or a City officer in an official capacity is a party, or accept a retainer or compensation that is contingent upon a specific action by the City. This provision shall not preclude an employee from exercising rights protected by the Public Employees Collective Bargaining Act, including the right to appear and/or testify in a legal proceeding on behalf of a labor organization representing employees or seeking to represent employees of the City.

5. Certain Private Employment Prohibited. No City officer or employee shall engage in or accept private employment from—or render services for—any private interest, when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties. This provision shall not interfere with an employee's right to engage in off duty employment that is authorized pursuant to a collective bargaining agreement and/or Tukwila Police Department General Orders.

6. Beneficial Interest in Legislation Prohibited. No City officer or employee, in appearing before the City Council or when giving an official opinion before the City Council, shall have a financial interest in any legislation coming before the City Council or participate in discussion with or give an official opinion to the City Council, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted on the record of the Council or similar records of the City, prior to consideration of the legislation by the City Council.

7. Disclosure of Confidential Information Prohibited. No City officer or employee shall disclose or use any confidential, privileged or proprietary information, gained by reason of his/her official position, for a purpose which is other than a City purpose; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public upon request. This provision shall not preclude an employee from exercising rights protected by the Public Employees Collective Bargaining Act, including the right of a labor organization to utilize and disclose properly obtained information that the City deems confidential, privileged, or proprietary.

8. Improper Use of Position Prohibited. No City officer or employee shall knowingly use his/her office or position to secure personal benefit, gain or profit, or use his/her position to secure special privileges or exceptions for him/herself, or for the benefit, gain or profit of any other

persons. This provision shall not preclude an employee from exercising rights protected by the Public Employees Collective Bargaining Act, including the right to negotiate agreements that address the wages, hours, and working conditions of employees of the City.

9. Improper Use of City Personnel Prohibited. No City officer or employee shall employ or use any person under the officer's or employee's official control or direction for the personal benefit, gain or profit of the officer or employee, or another. This section does not apply to off-duty employment relationships, which are mutually negotiated.

10. Improper Use of City Property Prohibited. No City officer or employee shall use City owned vehicles, equipment, materials, money or property for personal or private convenience or profit. Use is restricted to such services as are available to the public generally, for the authorized conduct of official City business, and for such purposes and under such conditions as are approved by administrative order of the Mayor; provided, the use of a City vehicle by a City officer or employee participating in a carpooling program established by the City, and for a purpose authorized under such program, shall not be considered a violation of TMC Chapter 2.95 or of any other provision of the Tukwila Municipal Code.

11. Acceptance of Compensation, Gifts, Favors, Rewards or Gratuity Prohibited. No City officer or employee may, directly or indirectly, give or receive, or agree to give or receive, any compensation, gift, favor, reward or gratuity, for a matter connected with or related to the officer's or employee's services with the City of Tukwila; except this prohibition shall not apply to:

a. Attendance of a City officer or employee at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of City business, or where official attendance by the officer or employee as a City representative is appropriate;

b. An award publicly presented in recognition of public service;

c. Any gift valued at \$100.00 or less, which cannot reasonably be presumed to influence the vote, action or judgment of the officer or employee, or be considered as part of a reward for action or inaction; or

d. An employee serving as a representative of a labor organization and/or an employee receiving compensation, gifts, or rewards from a labor organization of which he/she is a member.

12. Impermissible Conduct After Leaving City Service.

a. *Disclosure of Privileged, Confidential, or Proprietary Information Prohibited.* No former officer or employee shall disclose or use any privileged, confidential or proprietary information gained because of his/her City employment.

b. *Participation in City Matters Prohibited.* No former officer or employee shall, during the period of one year after leaving City office or employment:

(1) Assist any person in matters involving the City if, while in the course of duty with the City, the former officer or employee was officially involved in the matter, or personally and substantially participated in the matter, or acted on the matter;

(2) Represent any person as an advocate in any matter in which the former officer or employee was involved while a City officer or employee; or

(3) Participate as or with a bidder, vendor or consultant in any competitive selection process for a City contract in which s/he assisted the City in determining the project or work to be done, or the process to be used.

c. *Duty to Inform.* Whenever a City officer or employee wishes to contract with a former City officer or employee for expert or consultant services within one year of the latter's leaving City service, advance notice shall be given to the Mayor about the proposed agreement.

d. *Exceptions.* The prohibitions of TMC Section 2.95.030, paragraphs 12.b(1) and (2), shall not apply to a former officer or employee acting on behalf of a governmental agency, unless such assistance or representation is adverse to the interest of the City.

(Ord. 2448 §4, 2014; Ord. 2127 §2, 2006;
Ord. 2068 §1 (part), 2004).

2.95.040 Complaint Process

A. A complaint that this Code of Ethics has been violated may be filed with any one of the following officers, or his/her designee(s):

1. Mayor; or
2. City Attorney.

B. No person shall knowingly file a false complaint or report of violation of this Code of Ethics.

C. Any individual receiving a complaint that this Code of Ethics has been violated has an obligation to promptly forward the complaint, in writing, to the Mayor. The Mayor shall promptly designate an individual to conduct an investigation of the complaint.

D. The individual designated to conduct the investigation shall notify the subject of the complaint that a complaint has been made. The designated investigator shall then complete the investigation and prepare written findings and conclusions within 60 days of the date the complaint is received by the Mayor or City Attorney, unless an extension is granted in writing by the Mayor. A copy of the written investigation findings and conclusions shall be provided to the Mayor.

E. Within 5 business days of receipt of the investigator's written findings and conclusions, the Mayor shall prepare a written recommended disposition of the complaint. Copies of the recommended disposition and the investigation findings and conclusions shall be forwarded by certified mail to the complaining party and the party complained against at their

last known addresses. Additional copies of the recommended disposition shall be forwarded to the investigator, the City Attorney or the City Attorney's designee, and the person(s) responsible for acting on the recommended disposition. The recommended disposition shall not be implemented until the time for requesting a formal hearing, pursuant to TMC Section 2.95.040(G), has lapsed and no such hearing has been requested.

F. When the complaint is against an appointed board or commission member, the investigative findings and conclusions as discussed in TMC Section 2.95.040(E), as well as the recommended disposition, shall be placed on the next regularly scheduled Council meeting agenda, for informational purposes only.

G. The party complained against may, within 10 business days following the date of a recommended disposition that finds a violation of this Code of Ethics, request a formal hearing before the Hearing Examiner. A request for a formal hearing shall be in writing. Except for good cause shown, the hearing shall be scheduled to take place not sooner than 20 days nor later than 60 days from the date the appeal is filed.

H. Within 30 days after the conclusion of a formal hearing, the Hearing Examiner shall, based upon a preponderance of the evidence, prepare findings of fact, conclusions of law, and his/her order. Copies of the Hearing Examiner's findings, conclusions and order shall be forwarded by certified mail to the complaining party and the party complained against at their last known addresses. Additional copies of the findings, conclusions and order shall be forwarded to the investigator, the City Attorney or the City Attorney's designee, and the person(s) responsible for acting on the Hearing Examiner's order. In the case of a complaint against an appointed board or commission member, the Hearing Examiner's findings shall be forwarded to the City Council and placed on the next regularly scheduled Council meeting agenda, for informational purposes only.

(Ord. 2448 §5, 2014; Ord. 2127 §3, 2006;
Ord. 2068 §1 (part), 2004).

2.95.050 Penalties for Noncompliance

A. Any person, other than an employee covered by a collective bargaining agreement, found by a preponderance of the evidence to have violated any provision of this Code of Ethics may be subject to one or more of the following penalties:

1. A cease and desist order as to violations of this Code of Ethics;
2. An order to disclose any reports or other documents or information requested by the Mayor;
3. An order to pay to the City a civil penalty of up to \$1,000.00, where it is determined disciplinary measures are not appropriate under the circumstances;

4. Discipline, up to and including termination or removal from any position whether paid or unpaid, only after notice and hearing as provided by law. The pre-disciplinary procedures set forth in the provisions of the Tukwila Municipal Code and applicable personnel policies shall be followed for regular employees in the Classified City Service;

5. Exclusion from bidding on City contracts for a period of up to 5 years; and/or

6. Termination or invalidation of contract(s) entered into in violation of the Code of Ethics, only if such contract(s) provide for termination in the event of a Code of Ethics violation.

B. Any allegation that an employee who is covered by a collective bargaining agreement has violated any provision of this Code of Ethics shall be investigated in accordance with the applicable collective bargaining agreement and Department Policies, Procedures, or General Orders. For any proven violation of this Code of Ethics, an employee may be disciplined up to and including termination in accordance with the applicable collective bargaining agreement. Any such discipline may be appealed in accordance with the applicable collective bargaining agreement or Civil Service Rules.

*(Ord. 2448 §6, 2014; Ord. 2127 §4, 2006;
Ord. 2068 §1 (part), 2004).*

2.95.060 Where to Seek Review

A. **Cease and Desist Order.** If ordered to cease and desist violating this Code of Ethics, an affected party may seek review by writ of review from the King County Superior Court pursuant to RCW 7.16, or other appropriate legal action.

B. **Public Disclosure.** If ordered to disclose any documents or papers pursuant to this Code of Ethics, an affected party may seek review by writ of review from the King County Superior Court pursuant to RCW 7.16, or other appropriate legal action.

C. **Civil Penalty.** If ordered to pay a civil penalty, an appeal may be taken in the form of a trial de novo in the Tukwila Municipal Court, which shall hear the case according to the Civil Rules for Courts of Limited Jurisdiction and applicable local rules of the Tukwila Municipal Court. This appeal shall be taken by filing in the Tukwila Municipal Court a notice of appeal within 14 days of the date of the final written order. The person filing the appeal shall also, within the same 14 days, serve a copy of the notice of appeal on the person who issued the final written order and the City Attorney, or his/her designee, and file an acknowledgment or affidavit of service in the Tukwila Municipal Court.

D. **Discipline or Removal.** If an employee or officer is disciplined or removed from office, then the person disciplined or removed from office may seek whatever remedies may be available at law or in equity.

E. **Exclusion from Public Bidding.** If ordered to be excluded from bidding on public contracts and the exclusion actually occurs, the person excluded may seek whatever remedies exist at law or in equity.

F. **Termination of Contract(s).** If termination of contract(s) is ordered, the person whose contract(s) was/were terminated may seek whatever remedies exist at law or in equity.

(Ord. 2448 §7, 2014; Ord. 2068 §1 (part), 2004).

CHAPTER 2.97

CODE OF ETHICS FOR ELECTED OFFICIALS

Sections:

2.97.010	Purpose
2.97.020	Definitions
2.97.030	Prohibited Conduct
2.97.040	Board of Ethics
2.97.050	Complaint Process
2.97.060	Penalties for Noncompliance
2.97.070	Where to Seek Review

2.97.010 Purpose

A. It is the policy of the City of Tukwila to uphold, promote and demand the highest standard of ethics from all of its Elected Officials. Elected Officials shall maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties; avoid any improprieties or material misrepresentations regarding their roles or authority as public servants, as defined herein; and never use their City positions or powers for improper personal gain.

B. It is the intention of the City Council that TMC Chapter 2.97 be liberally interpreted to accomplish its purpose of protecting the public against decisions that are affected by undue influence, conflicts of interest, or any other violation of this Code of Ethics. In interpreting TMC Chapter 2.97, Elected Officials should be guided by common sense and practicality. This Code of Ethics is supplemental to Washington state law, RCW Chapter 42.23.

(Ord. 2447 §2, 2014).

2.97.020 Definitions

As used in TMC Chapter 2.97, these words shall have the following meanings, unless the context clearly indicates otherwise:

1. *"Business"* means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, consultant, holding company, joint stock company, receivership, trust, or any legal entity organized for profit.

2. *"Elected Official"* means every individual elected to an office or position with the City.

3. *"Compensation"* means payment in any form for real or personal property or services of any kind.

4. *"Gift"* means a voluntary transfer of real or personal property of any kind or the voluntary rendition of services of any kind without consideration of equal or greater value, but not including any reasonable hosting expenses, including travel, entertainment, meal, and refreshment expenses incurred in connection with appearances,

ceremonies, and occasions reasonably related to official City business, or where otherwise permitted by law.

5. *"Hearing Examiner"* shall mean the duly appointed and qualified Hearing Examiner for the City of Tukwila, or his/her designee.

6. *"Immediate family"* shall mean spouses, dependents, anyone residing in the person's household, and anyone within three generations by blood or marriage of the person or the person's spouse (e.g., within three degrees of relationship by blood or marriage).

7. *"Person"* means any individual, corporation, business or other entity, however constituted, organized or designated.

(Ord. 2447 §3, 2014).

2.97.030 Prohibited Conduct

The following shall constitute violations of this Code of Ethics:

1. **General Prohibition Against Conflicts of Interest.** In order to avoid becoming involved or implicated in a conflict of interest or impropriety, no current Elected Official should be involved in any activity that might be seen as conflicting with the conduct of official City business.

2. **Beneficial Interests in Contracts Prohibited.** No Elected Official shall participate in his/her capacity as an Elected Official in the making of a contract in which she/he has a financial interest, direct or indirect. This shall include any contract for sale, lease or purchase, with or for the use of the City, or the acceptance directly or indirectly of any compensation, gratuity or reward from any other person beneficially interested therein. Provided, however, that this prohibition shall not apply where the Elected Official has only a remote interest in the contract, and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract, and thereafter the governing body authorizes, approves or ratifies the contract in good faith, by a vote of its membership sufficient for the purpose without counting the vote(s) of the official(s) having the remote interest. For purposes of this TMC Chapter 2.97, a "remote interest" means:

a. That of a non-salaried officer of a nonprofit corporation;

b. That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;

c. That of a landlord or tenant of a contracting party; or

d. That of a holder of less than one percent of the shares of a corporation, a limited liability company, or other entity, which is a contracting party.

3. Beneficial Influence in Contract Selection Prohibited. No Elected Official shall influence the City's selection of, or its conduct of business with, a corporation, person or firm having or proposing to do business with the City if the Elected Official has a financial interest in or with the corporation, person or firm, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract.

4. Representation of Private Person at City Proceeding Prohibited. No Elected Official shall appear on behalf of a private person, other than him/herself or an immediate family member, or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the City or an Elected Official in an official capacity is a party, or accept a retainer or compensation that is contingent upon a specific action by the City.

5. Certain Private Employment Prohibited. No Elected Official shall engage in or accept private employment from—or render services for—any private interest, when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties.

6. Beneficial Interest in Legislation Prohibited. No Elected Official, in appearing before the City Council or when giving an official opinion before the City Council, shall have a financial interest in any legislation coming before the City Council or participate in any discussion with or give an official opinion to the City Council, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted on the record of the Council or similar records of the City, prior to consideration of the legislation by the City Council.

7. Disclosure of Confidential Information Prohibited. No Elected Official shall disclose or use any confidential, privileged or proprietary information, gained by reason of his/her official position, for a purpose which is other than a City purpose; provided, however, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public upon request.

8. Improper Use of Position Prohibited. No Elected Official shall knowingly use his/her office or position to secure personal benefit, gain or profit, or use his/her position to secure special privileges or exceptions for him/herself, or for the benefit, gain or profits of any other persons.

9. Improper Use of City Personnel Prohibited. No Elected Official shall employ or use any person under the Elected Official's official control or direction for the personal benefit, gain or profit of the Elected Official or another. This section does not apply to off-duty employment relationships, which are mutually negotiated.

10. Improper Use of City Property Prohibited. No Elected Official shall use City owned vehicles, equipment, materials, money or property for personal or private convenience or profit. Such use is restricted to those services which are available to the public generally, for the authorized conduct of official City business, and for such purposes and under such conditions as are approved by administrative order of the Mayor or Council; provided, however, that the use of a City vehicle by an Elected Official participating in a carpooling program established by the City, and for a purpose authorized under such program, shall not be considered a violation of TMC Chapter 2.97 or any other provision of the Tukwila Municipal Code.

11. Acceptance of Compensation, Gifts, Favors, Rewards or Gratuity Prohibited. No Elected Official may, directly or indirectly, give or receive, or agree to give or receive, any compensation, gift, favor, reward or gratuity, for a matter connected with or related to the Elected Official's services with the City of Tukwila; provided, however, that this prohibition shall not apply to:

a. Attendance by an Elected Official at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of City business, or where official attendance by the Elected Official as a City representative is appropriate;

b. An award publicly presented in recognition of public service; or

c. Any gift valued at \$100.00 or less, which gift cannot reasonably be presumed to influence the vote, action or judgment of the Elected Official, or be considered as part of a reward for action or inaction.

12. Impermissible Conduct After Leaving City Service.

a. *Disclosure of Privileged, Confidential, or Proprietary Information Prohibited.* No former Elected Official shall disclose or use any privileged, confidential or proprietary information gained because of his/her City position.

b. *Participation in City Matters Prohibited.* No former Elected Official shall, during the period of one year after leaving City office:

(1) Assist any person in matters involving the City if, while in the course of duty with the City, the former Elected Official was officially involved in the matter, or personally and substantially participated in the matter, or acted on the matter; or

(2) Participate as or with a bidder, vendor or consultant in any competitive selection process for a City contract in which he/she assisted the City in determining the project or work to be done, or the process to be used.

(Ord. 2447 §4, 2014).

2.97.040 Board of Ethics

A. There is created a Board of Ethics for the City of Tukwila. The purpose of this Board of Ethics is to review ethics complaints for an initial determination of sufficiency before an investigation is initiated, adjudicate ethics complaints against elected officials and provide advisory opinions for Elected Officials, when requested.

B. The Board of Ethics shall be composed of five members and shall be comprised of one member from each of the City's five standing Commissions: the Planning Commission, the Arts Commission, the Park Commission, the Equity and Diversity Commission and the Civil Service Commission. Should the chair of any Commission be unable or unwilling to serve on the Board of Ethics, the Commission shall select a member to serve on the Board.

C. The Chair of the Board shall be elected by the Board members and shall serve as Chair for one year, at which time a new election shall occur.

D. A majority of the Board of Ethics shall constitute a quorum. The Board shall meet as frequently as it deems necessary and in accordance with the provisions of the Tukwila Municipal Code. The Board shall adopt procedures consistent with the provisions of the Tukwila Municipal Code governing the conduct of its meetings. The Board shall be supported by the City Attorney or assigned independent legal counsel.

E. The powers of the Ethics Board include rendering sufficiency determinations as described in TMC Section 2.97.050, adjudicating ethics complaints against Elected Officials and responding to requests from City-elected officials for advisory opinions regarding the application of the Code of Ethics to the prospective conduct of such person.

(Ord. 2447 §5 (part), 2014).

2.97.050 Complaint Process

A. A complaint that this Code of Ethics has been violated may be filed with any one of the following officers, or his/her designee(s):

1. Mayor; or
2. City Attorney, or
3. Council President.

B. No person shall knowingly file a false complaint or report of violation of this Code of Ethics.

C. Any individual receiving a complaint that this Code of Ethics has been violated has an obligation to promptly forward the complaint, in writing, to the Board of Ethics for a sufficiency determination. After reviewing the complaint, the Board may take any of the following actions and inform the complainant, the respondent and the City Attorney, Mayor, or Council President as appropriate:

1. Determine that the facts stated in the complaint, even if true, would not constitute a violation of the Code of Ethics.
2. Determine that the facts stated in the complaint, even if true, would not constitute a material violation of the

Code of Ethics because any potential violation was inadvertent or minor or has been adequately cured, such that further proceedings on the complaint would not serve the purposes of the Code of Ethics.

3. Make a preliminary determination that the facts stated in the complaint, if true, could potentially constitute a violation of the Code of Ethics such that further proceedings are warranted.

D. The Board shall submit a written report with its findings within 10 days of its receipt of the written complaint. The Board's determination of sufficiency is final and binding and no appeal is available. If the Board finds the complaint sufficient, then the complaint shall be investigated as set forth below.

E. For all sufficient complaints, the City Attorney shall promptly designate an individual to conduct an investigation of the complaint and shall forward a confidential memorandum to all Elected Officials informing them that a complaint has been made.

F. The individual designated to conduct the investigation shall notify the subject of the complaint that a complaint has been made. The designated investigator shall then complete the investigation and prepare written findings and conclusions within 60 days of the date the complaint is deemed sufficient, unless an extension is granted in writing by the City Attorney. A copy of the written investigation findings and conclusions shall be provided to the City Attorney.

G. Within 5 business days of receipt of the investigator's written findings and conclusions, the City Attorney shall forward a copy of the investigation to the Chair of the Ethics Board. Copies of the recommended disposition and investigation findings and conclusions shall be forwarded by certified mail to the complaining party and the party complained against at their last known addresses.

H. Within 10 business days of receipt of the investigator's report, the Board of Ethics shall convene and review the complaint, findings, conclusions and recommended disposition. As soon as practicable after giving due consideration to the complaint, the Board shall take any action or combination of actions that it deems appropriate and for which it is lawfully empowered to take including, but not limited to, the following:

1. Determine that no violation of the Code of Ethics has occurred.
2. Determine that a violation of the Code of Ethics has occurred.

3. If the Board determines that it needs more information to make a determination as to whether the Code of Ethics has been violated, it may convene a hearing to take such additional evidence as required by the Board. The scope of evidence requested by the Board should be strictly construed. At such hearing, the Board may call additional witnesses or consider additional documentary evidence. After final deliberations on the investigator's findings, as well as any additional testimony, statements, or documents presented at the hearing, the Board shall determine whether or not a violation of the Code of Ethics has occurred. Throughout the process, the Board may seek legal advice from the City Attorney or independent legal counsel as assigned by the City Attorney. Assigned independent legal counsel shall have a minimum of five years municipal law experience.

4. After the Board has made its final determination under TMC Section 2.97.050, subsection H, (1), (2) or (3), the Board shall issue its written findings of fact and conclusions of law, along with its recommended disposition, if applicable. The Board's conclusions shall be based on the preponderance of evidence standard. The Board may recommend and the City Council may impose upon any Elected Official the penalties set forth in TMC Section 2.97.060.

5. Copies of the written findings of fact, conclusions and recommended disposition of the Board shall be forwarded by certified mail to the complaining party and the party complained against at their last known addresses. Additional copies shall be forwarded to the investigator, the City Attorney (or independent legal counsel), and the City Council.

I. The written findings of fact, conclusions and recommended disposition shall be placed on the next regularly scheduled Council meeting agenda for discussion and disposition pursuant to TMC Section 2.97.060, by majority vote of the Council.

J. **Ex Parte Communications.** After a complaint has been filed and during the pendency of a complaint before the Board, no member of the Board may communicate directly or indirectly with any party or other person about any issue or fact or law regarding the complaint, except that members of the Board may obtain legal advice with the City Attorney or assigned independent legal counsel.

K. The party complained against may, within 10 business days following the date of a recommended disposition that finds a violation of this Code of Ethics, request a formal hearing before the Hearing Examiner. A request for a formal hearing shall be in writing. Except for good cause shown, the hearing shall be scheduled to take place not sooner than 20 days nor later than 60 days from the date the appeal is filed.

L. Within 30 days after the conclusion of a formal hearing, the Hearing Examiner shall, based upon a preponderance of the evidence, prepare findings of fact, conclusions of law, and his/her order. Copies of the Hearing Examiner's findings, conclusions and order shall be forwarded by certified mail to the complaining party and the party complained against at their last known addresses. A copy of the Hearing Examiner's findings, conclusions and order shall also be provided to the City Council and placed on the next regularly scheduled Council meeting agenda, for informational purposes only. Additional copies of the findings, conclusions and order shall be forwarded to the investigator, the City Attorney or the City Attorney's designee, and the person(s) responsible for acting on the Hearing Examiner's order.

(Ord. 2447 §5 (part), 2014).

2.97.060 Penalties for Noncompliance

Any Elected Official found, by a preponderance of the evidence, to have violated any provision of this Code of Ethics may be subject to one or more of the following penalties by majority vote of the Council:

1. A cease and desist order as to violations of this Code of Ethics.

2. An order to disclose any reports or other documents or information requested.

3. An order to pay to the City civil penalty of up to \$1,000.00, where it is determined disciplinary measures are not appropriate under the circumstances.

4. Exclusion from bidding on City contracts for a period of up to 5 years.

5. Termination or invalidation of contract(s) entered into in violation of the Code of Ethics, but only if such contract(s) provide for termination in the event of a Code of Ethics violation.

6. **Admonition.** An admonition shall be a verbal statement approved by the City Council and made to the Elected Official by the Council President, or if the complaint is against the Council President, then by the next most senior Councilmember. An admonition under this section is not subject to further review or appeal except as may be otherwise provided by law.

7. **Reprimand.** A reprimand shall be administered to the Elected Official by a resolution of reprimand by the City Council. A reprimand under this section is not subject to further review or appeal, except as may be otherwise provided by law.

8. **Censure.** A censure shall be a written statement administered personally to the individual. The individual shall appear at a time and place directed by the Council to receive such censure. Notice shall be given at least 20 days before the scheduled appearance at which time a copy of the proposed censure shall be provided to the individual. Within 5 days of receipt of the notice, the individual may file a request for review of the content of the proposed censure with the City Council. Such a request will stay the administration of the censure. The City Council shall review the proposed censure in light of the investigator's findings of fact and the request for review, and may take whatever action appears appropriate under the circumstances. The action of the Council shall be final and not subject to further review. If no such request is received, the censure shall be administered at the time and place set. It shall be given publicly, and the individual shall not make any statement in support of or in opposition to or in mitigation thereof. A censure shall be deemed administered at the time it is scheduled whether or not the individual appears as required.

(Ord. 2447 §6, 2014).

2.97.070 Where to Seek Review

A. **Cease and Desist Order.** If ordered to cease and desist violating this chapter, the affected Elected Official may seek review by writ of review from the King County Superior Court pursuant to RCW 7.16, or other appropriate legal action.

B. **Public Disclosure.** If ordered to disclose any documents or papers pursuant to this chapter, the affected Elected Official may seek review by writ of review from the King County Superior Court pursuant to RCW 7.16, or other appropriate legal action.

C. **Civil Penalty.** If ordered to pay a civil penalty, an appeal may be taken in the form of a trial de novo in the Tukwila Municipal Court, which shall hear the case according to the Civil Rules for Courts of Limited Jurisdiction and applicable local rules of the Tukwila Municipal Court. This appeal shall be taken by filing in the Tukwila Municipal Court a notice of appeal within 14 days of the date of the final written order. The person filing the appeal shall also, within the same 14 days, serve a copy of the notice of appeal on the person who issued the final written order and the City Attorney, or his/her designee, and file an acknowledgment or affidavit of service in the Tukwila Municipal Court.

D. **Exclusion from Public Bidding.** If ordered to be excluded from bidding on public contracts and the exclusion actually occurs, the Elected Official excluded may seek whatever remedies exist at law or in equity.

E. **Termination of Contract(s).** If termination of contract(s) is ordered, the person whose contract(s) was/were terminated may seek whatever remedies exist at law or in equity.

(Ord. 2447 §7, 2014).

